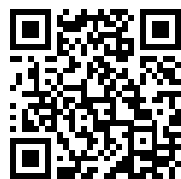

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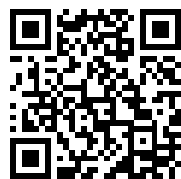
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THE ENGLISH HISTORICAL REVIEW

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*Circumspecte Agatis*¹

THE writ *Circumspecte Agatis*² has long been an enigma to historians of the reigns of the first two Edwards. Although its importance as a landmark defining the boundary between the royal and ecclesiastical jurisdictions has received general recognition, its date and content have not been definitely determined. Some older writers, among them Prynne and Wilkins, have assigned it to the reign of Edward II, and recently Dr. Jacob has cited a manuscript which seems to lend support to this contention.³ Since, however, *Circumspecte Agatis* is cited as a statute in a Year Book for 35 Edward I,⁴ this view must be abandoned. It belongs to the reign of Edward I, but the tradition⁵ which ascribes it to the year 1285 seems to be without sound foundation. The present article will show that *Circumspecte Agatis* was issued in June or July 1286. As to its content, the major problem arises from the fact that many early copies do not unite the clauses beginning 'ob quod impetrant laici'⁶ to the writ of *Circumspecte Agatis*. In a recent article Professor Johnstone⁷ has suggested that these clauses form a later addition to the writ.

Prynne made 'diligentest search' for information about *Circumspecte Agatis* and found little; had he searched episcopal

¹ The writer wishes to express his indebtedness and his gratitude to Professors T. F. Tout, C. Jenkins, and Hilda Johnstone for many helpful suggestions during the preparation of this paper.

² *The Statutes of the Realm*, ed. Record Comm., i. 101-2. A better text is printed below, pp. 15-16.

³ Prynne, *Records* (1668), iii. 337; Wilkins, *Concilia*, ii. 497; E. F. Jacob in *History*, xi. 247 (October 1926). Wilkins took his copy from Cotton MS. Otho A. 15, which was destroyed in the fire of 1731.

⁴ *Year Books, 33-35 Edward I*, ed. Horwood (Rolls Series), pp. 478-9. Herle, one of the attorneys, contended that 'the statute of *Circumspecte Agatis* applies in that case'.

⁵ T. F. Tout, *Political History of England, 1216-1377*, pp. 152-3; Hilda Johnstone, 'Archbishop Pecham and the Council of Lambeth' in *Essays in Medieval History Presented to T. F. Tout*, p. 185; *Victoria County History of Norfolk*, ii. 234.

⁶ These clauses begin on line 23 of the copy printed in *The Statutes of the Realm*.

⁷ Johnstone, *op. cit.*, p. 187.

registers, fourteenth-century collections of statutes, and the so-called Assize Rolls, he would have found much. Investigations in these sources make it possible to describe the circumstances which led to the promulgation of *Circumspecte Agatis*, to establish its composite character, and to date its component parts. Let us turn our attention first to the circumstances under which *Circumspecte Agatis* was issued.

The year 1285 looms large in the history of English law. In the spring, parliament enacted the Statute of Westminster II and discussed some of the legal problems which arose in the indeterminate borderland between the two jurisdictions, royal and ecclesiastical. Writs of prohibition sporadically checked the aggressions of ecclesiastical judges within this borderland; but it was not clear in what cases such writs of prohibition lay. After Pecham's assaults on them in the early years of his pontificate, the matter lay in suspense during the Welsh campaign. In 1285 the clergy of the southern province opened the question once more in a petition of grievances presented at the parliament of Westminster. The king conceded the request that justices be appointed to give advice in doubtful cases as to whether or not writs of prohibition lay. It was further ordained that purely spiritual matters might be proceeded with safely; in still other matters '*curia intendit quod praelati bene sciant cognoscere quae placita sint de testamento et quae de matrimonio et super aliis non cognoscant*'.¹

Not long after this pronouncement came the order for an inquiry into the jurisdiction exercised by the clergy of the diocese of Norwich. The writ, which notified the Norwich clerks that an inquiry was to be taken, is printed among the statutes *temporis incerti* in *The Statutes of the Realm*.² In other copies³ it is dated

¹ Johnstone, *op. cit. passim*; Stubbs, *Const. Hist.* (4th edition), ii. 123-4. A transcript of the petition, which is printed in Wilkins, *Concilia*, ii. 115-17, was made by Wharton, who appears to have drawn it from the archives of Christ Church, Canterbury (Lambeth Palace Library MS. 582, fo. 69).

² i. 209.

³ Register of Godfrey Giffard, fo. ccxxxvii d; cf. J. W. Willis-Bund, *Register of Godfrey Giffard*, ii. 271; Public Record Office, Exch. E. 164, vol. ix, fo. lxiii d. In these copies R. reads R. de Boyland. Another copy, with variant readings and dated 'anno xliii', is to be found in a fourteenth-century collection of statutes in the Cambridge University Library MS. Ll. iv. 18, fo. 82 d. This copy is addressed to the clergy of Somerset and Dorset, and the sheriff of these counties is named as Boyland's associate. Its *Incipit* and *Explicit* relate it to the Statute of Exeter, which it follows in this manuscript. Here apparently the copyist has erred. However, Richard de Boyland and Roger Luveday held pleas at Dorchester early in 1286 (P.R.O. Assize Roll 1267, m. 166 d), and on 16 January 1286 the coroner of Dorset was ordered by a privy seal writ 'to execute whatever injunctions he may receive from Richard de Boyland and Roger Luveday, who have oral instructions from the King to make inquiries touching certain affairs of the Crown' (*Cal. Patent Rolls, 1281-92*, p. 218). The Cambridge copy of the writ of 1 July 1285, fortified by the notices of Boyland's activities, lends some support to the view that Edward intended, had the clerical opposition not been so strong, to conduct inquiries similar to the Norwich inquiry in other parts of the realm.

1 July 1285. Its significance as a complement to *Circumspecte Agatis* and its importance in drawing the line of demarcation between the two jurisdictions have not been generally recognized. Addressed to the prelates, archdeacons, officials, and other ecclesiastics of the diocese of Norwich, it claimed for royal courts a long list of pleas and prohibited their cognizance by the clergy of Norwich, who, the king had learned, were drawing them into the ecclesiastical forum. Richard de Boyland, who was employed as itinerant justice on several occasions prior to his disgrace at the trial of the judges in 1289,¹ and William de Rothing, the sheriff of Norfolk and Suffolk,² were commanded to cite all impugners of this prohibition before the justices at Westminster. It is to be noted that Boyland and Rothing formed a commission of inquiry and not an *oyer et terminer* commission. They had no mandate to hold pleas and punish offenders.³

As the inquiry progressed, the bishop of Norwich lodged a complaint with the king that Boyland and Rothing impeded him and his officials from holding pleas about tithes, purely spiritual matters, mortuaries, corrections of sin, and similar suits. Recognizing that actions on these matters pertained to the ecclesiastical forum and not to the royal courts, the king commanded them to desist from such interference.⁴ Further, the bishop was ordered to bring *coram rege* at Exeter on Christmas Eve, 1285, those clerks who had been attached by Boyland and Rothing for holding certain pleas in derogation of the Crown. As a corollary to this mandate, Rothing, in his capacity of sheriff, was directed not to attach the accused but to deliver them to the bishop.⁵ This writ to Rothing is described in the Register of Godfrey Giffard as a remedy for the letter of 1 July 1285.

The complaint of the bishop of Norwich against the activities of Boyland and Rothing was supported by his fellow bishops, Archbishop Pecham and his suffragans drew up a petition 'super gravaminibus illatis ecclesiis Cantuariensis provinciae per curiam regiam anno domini MCCLxxx quinto',⁶ which, besides denouncing in general terms the usurpations of the royal courts, sought remedies for specific grievances arising out of the inquiry in Norwich. The second and third clauses complained against 'the letter which has lately emanated from the royal court, in which the king

¹ E. Foss, *Judges of England* (1870), p. 111.

² Public Record Office, *Lists and Indexes*, ix. 86.

³ The writ of 1 July 1285 is probably 'litteram prohibitionis regiae, quae solito largius a sua curia emanaverat', to which the annalist of Dunstable refers (*Annales Monastici*, ed. Luard (Rolls Series), iii. 318). It is very probably the ordinance which Stubbs postulated for 1285 (*Const. Hist.* ii. 124).

⁴ Register of Godfrey Giffard, fo. cexxxviii; cf. J. W. Willis-Bund, *Register of Godfrey Giffard*, ii. 271.

⁵ *Ibid.*

⁶ Wilkins, *Concilia*, ii. 117-18; 'Annales de Dunstaplia' in *Annales Monastici*, ed. Luard (Rolls Series), iii. 318.

claims cognizance ' [Art. 2] super districtioribus [*sic*], officiis ministrorum suorum, et executionibus iudiciorum curiae suae . . . [Art. 3] . . . in transgressionibus, conventionibus, vi laica cautionibus, recognitionibus, et contemptibus '. These words form a fairly close transcript of the writ of 1 July 1285.¹ The petition further complained² that, when ecclesiastical judges take cognizance of pleas of tithes, violence to clerks, defamations, lesions of oaths, whose correction always pertained to the church, the agents of the sheriff come to prohibit proceedings in these cases. It protested³ against the innovation whereby royal officers inquire whether ecclesiastical judges have held pleas other than matrimonial and testamentary since the king's coronation. The officers were said to have indicted, attached, and imprisoned such ecclesiastical judges. Boyland and Rothing had been doing these very things. Article 7 deprecated the citation *coram rege* of the infringers of prohibitions. It was asserted that such offenders should be cited before the Court of Common Pleas or before the justices within the county, and not before the Court of King's Bench. It will be recalled that the accused clerks of Norwich had been cited *coram rege*. Article 11 complained that the nerve of ecclesiastical discipline is dissolved when laymen are prohibited from appearing before ecclesiastical judges for making recognizances on oath, except in matrimonial and testamentary cases. The letter of 1 July 1285 specifically prohibited such recognizances. In sum, the grievances expressed in this petition point definitely to the operations of Boyland and Rothing and to the writ of 1 July 1285.

In what manner the petition was answered has not been definitely ascertained. However, an automatic remedy applied to Article 7, so far as the citation *coram rege* of the clerks of Norwich was concerned. That remedy was the assignment of itinerant justices for another eyre of Norfolk. As was customary, all matters of the county in question pending in royal courts were adjourned to the courts of the itinerant justices.⁴

The itinerant justices, Boyland in their company, began an eyre in Norfolk on the morrow of St. Hilary, 1286.⁵ They had hardly begun when they were summoned to the parliament meeting at Westminster on 2 February.⁶ Their work was in consequence suspended for some time ; but it was certainly resumed

¹ The writ of 1 July 1285 claims for the royal courts pleas ' super . . . districtioribus, officiis ministrorum, executionibus iudiciorum corone nostre, transgressionibus contra pacem nostram factis . . . attachiamentis vi laica, . . . conventionibus . . . recognitionibus laicum feodum contingentibus et rebus aliis '.

² Article 4.

³ Article 6.

⁴ W. C. Bolland, *Eyre of Kent* (Selden Society), i, p. xviii.

⁵ *Placita de Quo Warranto*, ed. Record Comm., p. 481 ; P.R.O. Assize Roll 575, m. 1.

⁶ *Chronica Iohannis de Oxenedes*, ed. Ellis (Rolls Series), p. 267 ; P.R.O. Assize Roll 572, m. 10.

by 16 June, for on that day they held pleas at Norwich.¹ A month later they were at Lynn,² and before 1 October they had returned to Norwich.³ Meanwhile they had been forced by the pressure of business to request a prolongation of their eyre until 2 November 'tam propter multimodas querelas factas de archidiaconis, officiis et [illegible] quam propter placita tangentia villam de Lenn et extraneos mercatores'.⁴

During the eyre the pleas which grew out of the inquiry made by Boyland and Rothing were heard. The findings in these pleas are referred to by the chroniclers⁵ and reported at some length in the so-called Assize Rolls.⁶ In the latter the Norfolk pleas are inserted near the end of one of Boyland's rolls. The identification of one membrane (m. 101) of this roll is made easy by its caption: 'Inquisitiones capte coram R. de Boyland et W. de Roynge vicecomite de transgressionibus factis laycis et comitatui Norwicensis diocesis per clericos totius diocesis.' This membrane reports some of the cases which Boyland and Rothing presented to the itinerant justices; of that there can be no doubt. But the *querelae* and *placita* in the several subsequent membranes⁷ may or may not be based on the report of the commissioners; in any case they are

¹ P.R.O. Assize Roll 572, m. 90 d.

² *Ibid.* m. 75.

³ *Ibid.* 575, m. 103 d.

⁴ Public Record Office, *Ancient Correspondence*, x. 126.

⁵ *Chronica Iohannis de Oxenedes*, ed. Ellis (Rolls Series), p. 266; *Historia Anglicana Bartholomaei de Cotton*, ed. Luard (Rolls Series), pp. 166-7. Cotton says, 'Eo anno fecit inquiri rex qui clerici implacitaverant quoscumque de feodo seu laicis catallis in curia Christianitatis, et de prelati, qui graviter punierant excessus laicorum pecuniariter, et clericos, prelatos et eorum ministros de huiusmodi [culpa] convictos graviter vinxit et incarcerationavit'.

⁶ P.R.O. Assize Roll 575, mm. 101 seq. *Ibid.* 829, m. 58, for the Suffolk pleas.

⁷ The headings of the membranes are as follows:

m. 101 as cited in the text.

mm. 102, 102 d, 103, 103 d. Adhuc de querelis conquerentium de clericis.

m. 103 d middle. Placita de querelis clericorum apud Norwicum in crastino Sancti Michaelis anno supradicto.

m. 104. Adhuc de querelis conquerentium de clericis.

m. 104 middle. De querelis conquerentium de hundredo Dysee de clericis.

m. 104 d. De querelis conquerentium de clericis de hundredo de Smechtona.

m. 105. Adhuc de querelis conquerentium de clericis apud Lenn.

m. 105 d. Adhuc de querelis conquerentium de clericis.

m. 106. Adhuc de querelis clericorum.

m. 106 d. (Blank.)

m. 107. Adhuc de querelis.

m. 107 d. Adhuc de querelis conquerentium.

m. 108. Adhuc de querelis.

m. 108 d. (Blank.)

m. 109. Adhuc de querelis clericorum apud Norwicum.

m. 109 d. Adhuc de querelis clericorum.

Membranes 101 to 105 deal exclusively with cases in which one of the litigants is a cleric. Membrane 106 contains a list of the fines imposed on those plaintiffs who initiated suits and did not prosecute them. Many of the defendants in these suits are clerics. Membrane 107 contains amongst other matters only a few ecclesiastical cases. On membrane 108 there is no evidence that its litigants are clerics. Membrane 109 reports several cases in which ecclesiastical judges are involved.

germane to the investigation, for in them clerks of the diocese of Norwich are charged before the itinerant justices with holding pleas not pertaining to court christian.

What information do these membranes yield ? Membranes 101 to 105 treat exclusively of pleas in which one of the defendants is a cleric. On these membranes over 150 cases are reported. In a dozen cases the plaintiffs allege that they have been cited into court christian notwithstanding writs of prohibition. In twenty-odd cases the charge is that pleas of debts and chattels, neither testamentary nor matrimonial, have been held in court christian. In thirty-odd cases the roll does not specify the charge exactly ; it states merely that the plaintiffs have been vexed with citations before ecclesiastical judges. In still other suits the plaintiffs allege that they have been summoned into court christian for the sale of victuals on feast-days, or for trespass, or for contract. Of the cases where the charge is specifically reported, only two come within the terms of *Circumspecte Agatis*. In these two cases the plaintiffs declare that they have been falsely fined for adultery by John, the subdean of Norwich. But in the majority of the reported cases the charges of the plaintiffs are not definitely stated. This majority comprises largely the forty-odd cases in which the plaintiffs are fined for not having prosecuted actions which they had begun, and the fifteen cases in which the plaintiffs are fined for making false pleas. The most frequent defendants are Henry Sampson, dean of Norwich, John de Berstrete, subdean of Norwich, and Gregory de Pontefracto, official of Lynn, the last of whom showed his contempt for prohibitions by casting them against the wall.

Through this mass of detail one fact stands out clearly. Ecclesiastical judges of the diocese of Norwich were tried by the itinerant justices in 1286 for encroachments upon the royal jurisdiction. On 18 June 1286¹ the justices were commanded to extend the period of their release on mainprise until 8 July. Meanwhile they were to inform Edmund, earl of Cornwall, the vicegerent during the king's absence overseas, and the king's council ' concerning certain matters that the council had intimated in this affair to Walter Hopton ', one of the itinerant justices,² ' and William Giselham ', the king's prosecutor in Norfolk.³ There is no evidence as to the exact nature of these intimations beyond the statement that their theme is the arrest of clerks in the diocese of Norwich for trespasses in injury of the king's crown. Nevertheless, it is clear that the questions arising from the Norwich inquiry were being considered by the king's council in England in June and July 1286.

¹ *Cal. Close Rolls, 1279-88*, p. 397.

² *Ibid.* p. 417 ; *Placita de Quo Warranto*, ed. Record Comm., p. 481.

³ *Placita de Quo Warranto*, p. 481.

Still the pleadings before the itinerant justices continued. The bishop of Norwich undertook to have Henry Sampson before the justices on 23 September,¹ and 'placita de querelis clericorum' were held at Norwich on 30 September 1286.² While these cases were being tried, the clergy of the province of Canterbury were summoned to a convocation to be held at the New Temple, London, on 13 October 1286.³ I presume that the list of grievances set forth under 1286 in the Register of Godfrey Giffard⁴ forms the draft of a programme for this convocation. Among the agenda in this list are 'the new oppressions of the Church especially in parts of Norfolk. And the indifferent arrests of clerks and ecclesiastical persons.'

Before convocation met, the bishop of Norwich had made a fine with the king on behalf of his clerks who, having been indicted before Richard de Boyland and William de Rothing, had been convicted or were now being convicted before the itinerant justices. The latter were directed, therefore, on 6 October 1286⁵ to proceed no farther in this business. From the Pipe Roll⁶ of the next year, we learn that a fine of one thousand marks was owed by the bishop of Norwich 'ne clerici sui Norfolkie et Suffolchie convicti de transgressionibus imprisonarentur vel viliter tractarentur excepto magistro Gregorio de Pontefracto'. The fine was paid in 1287.⁷

With the payment of this fine, the narrative of the attempt of Edward I 'to cleave a hair betwixt the spiritual and temporal

¹ P.R.O. Assize Roll 575, m. 103.

² *Supra*, p. 5, n. 5. 'Anno supradicto' must refer to the fourteenth year, the year of the Eyre Roll, because Boyland was at Chelmsford in Essex on 30 September 1285 (P.R.O. Assize Roll 244, m. 1, and Assize Roll 243, m. 50) and juries and assizes were held at Norwich on 30 September 1286 (*ibid.* 572, m. 58).

³ Wilkins, *Concilia*, ii. 125.

⁴ J. W. Willis-Bund, *Register of Godfrey Giffard*, ii. 298. The ascription to 1286 is probably correct, for the articles deal *inter alia* with errors lately condemned and with the judges in Almaric de Montfort's case. Pecham condemned heretical opinions in a letter dated 30 April 1286 (*Registrum Epistolarum Fratris Iohannis Peckham*, ed. Martin (Rolls Series), iii. 921) and wrote a critical letter anent the judges in the de Montfort case on 24 September 1286 (*ibid.* iii. 931).

⁵ This writ contains so much relevant information that I transcribe it in full. 'Edwardus dei gratia etc. iusticiariis suis etc. Sciatis quod nos finem quem venerabilis pater W. Norwicensis episcopus fecit nobiscum coram thesaurario et baronibus nostris de scaccario et vobis pro clericis suis indic[t]atis coram Ricardo de Boylund et Willelmo de Rothingem super dampnis et gravaminibus populo nostro eiusdem episcopatus per eos, ut dicitur, illatis contra dignitatem et coronam nostram, et coram vobis in presenti itinere vestro inde convictis et convincendis, per sic quod iidem clerici per ministros nostros non imprisonarentur seu viliter tractarentur, et etiam pro hiis que de amerciamenis eorumdem que ad nos pertinent acceptamus, ita tamen quod conquerentibus iusticia exhibeatur in hac parte. Et ideo vobis mandamus quod contra clericos predictos contra formam acceptationis nostre predictae nichil penitus attemptetis. Teste Edmundo comite Cornubie consanguineo nostro apud Westmonasterium, vi^o die Octobris, anno regni nostri xiiii^o' (P.R.O. Assize Roll 572, m. 60 d. Undated copies in *ibid.* m. 77; *ibid.* 828, m. 8; *ibid.* 832, m. 14; *ibid.* 834, m. 7 d).

⁶ P.R.O. Pipe Roll 132 (15 Edw. I), Norf. et Suff. Amerciamenta coram S. de Roff.

⁷ *Chronica Iohannis de Oxenides*, p. 269.

jurisdictions ' ¹ in the diocese of Norwich in 1285 and 1286 comes to a conclusion. The narrative of events, however, forms a mould into which *Circumspecte Agatis* fits well.

In assigning *Circumspecte Agatis* to its proper place among these events, a copy of it in an early fourteenth-century collection of statutes ² must be brought into evidence. This copy is addressed to Richard de Boyland and his associate justices and is dated ' Parisio [*sic*] anno regni nostri xiiii^o '. The date ' Parisio anno xiiii^o ' squares very neatly with the chronology of events given above. In May of that year (1286), Edward I had gone to France to render homage to Philip the Fair and to inspect his overseas possessions. He spent the months of June and July in Paris.³ In these months, in which the itinerant justices held pleas on the jurisdiction exercised by some ecclesiastical judges, the King's Council in England discussed the Norwich inquiry and gave ' intimations in this affair ' to Hopton and Giselham. It was then, if I read the events aright, that Boyland and his associates were commanded to proceed circumspectly in the matter of the bishop of Norwich and his clergy. The evidence clearly shows that *Circumspecte Agatis* was issued from Paris to the itinerant justices of Norfolk in June or July 1286.

The possibility remains that *Circumspecte Agatis* was promulgated earlier than June 1286 and reissued to the itinerant justices of Norfolk. It directs certain judges or justices to act circumspectly ' de negotio tangente dominum episcopum Norwycensem et eius clerum, non puniendo eos si placitum tenuerint de hiis que mere sint spiritualia '. If *negotio* refers to the inquiry described above, *Circumspecte Agatis* could not have been issued before that inquiry was instituted. It has been shown that a writ of 1 July 1285 gave notification that the inquiry was to be held. *Circumspecte Agatis* must therefore have been issued subsequent to that date. Moreover, the clerical petition which the inquiry provoked was formulated after the inquiry was well under way. That petition sought in part the remedies which *Circumspecte Agatis* granted. It is highly probable, therefore, that *Circumspecte Agatis* was issued after the petition was drafted.

Another consideration indicates that *Circumspecte Agatis* was issued for the first time to the itinerant justices of Norfolk in 1286. It commands certain judges or justices not to punish the bishop and clergy of Norwich if they hold pleas that are purely spiritual. Such a monition presupposes that the judges or justices could punish them if they held pleas that were not purely spiritual. Boyland and Rothing in 1285 had no mandate to mete out punish-

¹ Fuller, *Church History of Britain* (ed. 1845), ii. 220.

² Brit. Mus., Royal MS. 9 A. ii, fos. 152-3. A transcript is given in Appendix I, *infra*.

³ H. Gough, *Itinerary of Edward I*, ii. 22-4.

ments. Their task was to collect information about the infringers of royal jurisdiction and to cite them before the king's justices. The only justices before whom the Norwich clergy accused of invading the royal jurisdiction in 1285 and 1286 were indicted for punishment were the itinerant justices. *Circumspecte Agatis* was issued to them in June or July 1286; is it likely that it was issued to them twice? ¹

From a consideration of the date let us turn to a consideration of the content of *Circumspecte Agatis*. The problem, as it has been stated above, arises from the fact that many copies do not unite the clauses beginning 'ob quod impetrant laici' to 'licet porrigatur'.² The choice by the Record Commission of a copy in which these two parts are united rested on the fact that this copy is marked *ex^{tr} p rollm*. It was the natural assumption that the text of a copy which had been examined with an official roll was more authoritative than the text of copies which had not been so examined. It will not be amiss therefore to investigate the truth of the statement that this copy has been examined with the roll.

The copy so marked occurs in Cotton MS. Claudius D. ii, written after 1377. That manuscript contains, along with other documents, a collection of statutes from the time of Henry III to 17 Edward II.³ It was used extensively by the Record Commission in the preparation of the first volume of *The Statutes of the Realm*. To twenty-nine of the statutes in this collection is appended the note 'examinatur per rotulum'. But these notes, and indeed the whole text of the collection of statutes in Cotton MS. Claudius D. ii, were copied from the first collection of statutes in Cambridge MS. Mm. v. 19. The Cambridge collection was written probably late in the reign of Edward II.⁴ Truncated by the loss of its opening folios, it begins in the middle of the Statute of Marlborough. The contents of the lost folios are made known by a table of contents (fo. 131), and these contents are identical

¹ The copy of *Circumspecte Agatis* in Fitzwilliam Museum, McClean MS. 142, fo. 69, bears the date 'Parasceve anno tertiodecimo'. Good Friday in 1285 fell on 23 March. Such a date is too early to fit into the events consequent upon the Norwich inquiry of 1285. In this manuscript *Circumspecte Agatis* follows closely after *De Terris Templariorum*, enacted in 1324; consequently this part of the manuscript was written after 1324. Since *Circumspecte Agatis* was reissued on several occasions, the date 'Parasceve anno tertiodecimo' may refer to a reissue in the reign of Edward II. This suggestion is somewhat strengthened by the fact that a sixteenth-century manuscript gives 'Parasceve anno Edwardi secundi xiii^o' as the date of *Circumspecte Agatis* (Camb. Univ. Lib. MS. Gg. v. 7, fo. xi d). It is also possible that the date is a scribal error.

² *The Statutes of the Realm*, i. 101, line 23.

³ I can find no justification for Cotton's statement (fo. 136) that the collection includes statutes down to 21 Edward III.

⁴ A gloss (fo. 34) referring to the Statute of Recognizances of 22 Edward I states that it 'fut fait anno xxii^o le roi qui mort est'. Since the collection contains the statute *De Terris Templariorum* of 1324, the entries subsequent thereto, including *Circumspecte Agatis*, must have been made after that date.

with those at the beginning of the Cotton manuscript. When the surviving portion of the Cambridge manuscript is compared with the Cotton manuscript, it is evident that the Cotton manuscript was copied verbatim from the Cambridge manuscript. Exactly the same entries are made in exactly the same order for over a hundred folios. Some of the entries are memoranda which must have been copied one from the other or from the same source.¹ In each manuscript the original scribes left a blank half-page at the same place.² In each manuscript some statutes are entered more than once.³ In each manuscript the writ to the sheriff of Stafford, following the first entry of the Statute of Recognizances, is marked: 'Istud breve non est in rotulo'.⁴ Where other collections of statutes give variant readings, these two collections agree.⁵ In each manuscript the statute against bringing counterfeit money within the realm is erroneously entitled 'De brevi inquisitionibus concedendis de terris ad manum mortuam ponendis'.⁶ In both collections statutes are marked 'examinatur per rotulum'. The hand which wrote the text of the Cotton manuscript seems to have written the notes 'examinatur per rotulum'; the hand which wrote the text of the Cambridge manuscript did not write the notes. The Cambridge manuscript was subjected to more than one examination, for at least two hands have made emendations either in the margins or between the lines of the text. In the Cotton manuscript there are no corrections either in the margins or between the lines of the text. The corrections made to the Cambridge manuscript are embodied in the text of the Cotton manuscript. In sum, it is quite clear that the text and notes of the collection of statutes in the Cotton manuscript have been copied from the Cambridge manuscript.

The identity of the two collections is not, however, perfect, for three variations in the use of the note 'examinatur per rotulum' occur. The Statute of Marlborough is marked 'examinatur per rotulum' in the Cotton manuscript, but it is not so marked in the Cambridge manuscript. In the Cambridge manuscript both *Quia Emptores* and *Circumspecte Agatis* are marked merely

¹ Compare, for instance, the memorandum on fo. 54 of the Cambridge MS. with that on fo. 196 d of the Cotton MS.

² Cambridge MS., fo. 107 d, and Cotton MS., fo. 244 d.

³ The Statute of Westminster IV is entered on fos. 73 d and 91 of the Cambridge MS. and fos. 215 and 230 of the Cotton MS. The Statute of Aetion Burnell appears on fos. 42 and 118 d of the Cambridge MS. and on fos. 186 and 255 d of the Cotton MS. The Statute of Recognizances appears on fos. 52 d and 81 d of the Cambridge MS. and on fos. 195 d and 221 of the Cotton MS. The Statute of the Prohibition of Arms appears on fos. 66 d and 103 of the Cambridge MS. and on fos. 208 and 240 d of the Cotton MS.

⁴ Cambridge MS., fo. 53, and Cotton MS., fo. 196 d.

⁵ I have compared several variant readings. Those of *Circumspecte Agatis* form a case in point: for this statute the two manuscripts give a unique text, see *infra*, p. 11.

⁶ Cambridge MS., fo. 126 d, and Cotton MS., fo. 262 d; *The Statutes of the Realm*, i. 111 and 220.

'*ex^{ur}*'; whereas in the Cotton manuscript *Quia Emptores* is not marked at all and *Circumspecte Agatis* is marked '*ex^{ur} p rot^{lm}*'. All the statutes marked '*examinatur per rotulum*' in the Cambridge manuscript are enrolled on the Great Tower Roll;¹ it is a reasonable assumption, therefore, that the note refers to the Great Tower Roll. None of the three exceptions is enrolled there. A table of contents (fos. 131-2) in the Cambridge manuscript produces further proof that the three exceptions were not examined with the roll. In this table of contents statutes which have been examined with the roll have been marked either *ex^{ur}* or *ex^{ur} p rot^{lm}*. All those marked *ex^{ur}* are also marked with a cross (×). Against the titles of the three exceptions none of these markings appears. Certainly the evidence in the Cambridge manuscript does not warrant the assertion that the Statute of Marlborough, *Quia Emptores*, and *Circumspecte Agatis* have been examined with the roll. But the Cambridge manuscript is the original of the Cotton manuscript and the Cotton manuscript shows no trace of an independent examination with the roll. Accordingly it seems very unlikely that the copy of *Circumspecte Agatis* in Cotton MS. Claudius D. ii was examined with the roll.

This statement acquires more significance when the text of this copy is compared with the texts of other copies. Such a comparison shows that this text is unique; at four places² it reads at variance with all of the one hundred copies from the reign of Edward III or earlier which I have collated. Since this late unique text was probably never examined with the roll, it should not be used as the standard text of *Circumspecte Agatis*. An earlier and more accurate text must be sought.

The problem of finding such a text is complicated by the fact that about one-fourth of the manuscript copies³ agree with the copy printed in *The Statutes of the Realm* in uniting the two parts mentioned above.⁴ Nevertheless, it can be shown that two distinct documents have been combined into one. Down to '*licet porrigatur*' (line 23) the text of the printed copy reads like a writ; subsequently thereto it reads like a petition to which the king has

¹ The Great Tower Roll, preserved among the Chancery records in the Public Record Office, is the earliest official roll of statutes known to exist. Its entries begin with the Statute of Gloucester of 1278 and run on to the end of the reign of Edward III. Not all the statutes enacted in this period are entered on the Great Tower Roll.

² (a) For '*prelatus pro cimiterio . . . imponat*' read '*prelatus puniat pro cimiterio . . . pena pecuniaria*'.

(b) For '*petat decimam maiorem vel minorem*' read '*petat adversus parochianos suos oblationes decimas debitas et consuetas vel rector agat contra rectorem de decimis minoribus vel maioribus*'.

(c) For '*ob quod*' read '*sub qua forma*'.

(d) For '*et implacitetur in curia Christianitatis*' read either '*si pecunia illa petatur coram iudice ecclesiastico*' or '*si precium illud petatur coram iudice ecclesiastico*'.

³ See Appendix II.

⁴ See *supra*, pp. 1 and 9.

replied. For the sake of clearness I shall anticipate my conclusions by calling the former 'the Writ', and the latter 'the Addition' in the following pages.

Both the Writ and the Addition existed as separate entities in the thirteenth century. The Writ appears as a separate and distinct document in three manuscripts which were almost certainly written before 1300. These three manuscripts are the Register of John le Romeyn,¹ archbishop of York 1286-96, the Register of Godfrey Giffard,² bishop of Worcester 1268-1301, and a collection of statutes in the Cambridge University Library.³ In the York manuscript the Addition precedes the Writ and is separated from it by another entry. In the Cambridge manuscript the Addition precedes, is written in another hand, and is separated by a blank half-page from the Writ. In the Worcester manuscript the Writ alone appears. To be sure the Worcester copy is squeezed in at the foot of the page; on that ground exception may be taken to the use of it in this connexion. However, if the Addition were fused with the Writ in the document from which the Worcester scribe copied, it is a striking phenomenon that the scribe reached the foot of the page at just the place where the Writ ends, and then neglected to enter the Addition at another place. In fine, these three copies, written in all probability prior to 1300 and giving the Writ as a separate document, prove pretty definitely that the Writ existed as a separate entity in the thirteenth century.

The existence of the Addition as a separate entity can be proved beyond all doubt. Beginning 'Sub qua forma impetrant laici prohibicionem', it forms a clause or clauses in petitions presented by the clergy with replies by the king in 1280, 1300, 1309, and 1316. From the petition of 1280 the meaning of 'sub qua forma' is clear, for in that petition the Addition is preceded by another clause which states that prohibitions are procured, not with the name of the procurer expressed, but under the form 'ex relatu plurium'.⁴

¹ *The Register of John le Romeyn*, ed. W. Brown (Surtees Society), ii. 176-7. In the Register the copies of the Writ and of the Addition appear on the dorso of the first folio, entitled 'Miscellanea'. Internal evidence establishes a strong presumption that this folio was written in 1291.

² The Register of Godfrey Giffard, fo. cccxxviii. *Circumspecte Agatis* is squeezed in, as Professor Johnstone has pointed out, at the bottom of a page, in the midst of documents which relate to the Norwich inquiry of 1285 and 1286. The ink is of a different colour from that of the surrounding entries. It may be conjectured that after the promulgation of *Circumspecte Agatis* in 1286, the Worcester scribe sought a place for it close to entries relating to the same matter and found that place at the bottom of the very page on which those entries had been made.

³ Camb. Univ. Lib. MS. Mm. i. 27, fo. 169 d. Maitland suggested that this copy had been written by the scribe who in c. 1265 copied the Revised Glanville, which is bound in the same volume (Maitland, *Collected Papers*, ii. 271).

⁴ Manuscript copies of *Registrum Brevium* contain several prohibitions 'ex relatu plurium'. Cf. Brit. Mus., Harley MS. 858.

The original of the petition of 1280 has not yet been found ; its date and content can, however, be definitely established. Two of the five ¹ copies which have come to my notice set forth the date and the nature of the content. These two are found in a fourteenth-century Harleian manuscript and in a note-book of transcripts from the archives of Christ Church, Canterbury, made by Wharton in the seventeenth century.² Save for a few variant readings, the two copies are identical.

The preface ³ in the Harleian and the Wharton copies states that the petition was discussed by the king and his council in the parliament held at London 3 November 1280.⁴ Other considerations serve to confirm the accuracy of this date. In the first place, the internal evidence points to a date close to rather than distant from 1279, because the final article begs the king to revoke 'statutum suum novellum . . . quo cavetur ne ecclesia possit in possessionibus temporalibus crescere'. That new statute was very probably the Statute of Mortmain of 1279. In the second place some of the articles and replies appear again in a petition presented in 1309. There ⁵ they are entitled 'Gravamina proposita in parlamento Londonie', and are preceded by a preface stating that some of the articles now submitted were proposed in the parliament of London of 1280. The date, then, of this petition is 1280. The nature of its contents may be judged from the statements in the preface. The responses to the articles have not the

¹ *Ibid.* 667, fos. 3-7 ; Lambeth Palace Lib. MS. 582, fos. 65 ff. (the Wharton copy) ; Register of William Wickwane, fo. 86 d, printed in *Letters from the Northern Registers*, ed. Raine (Rolls Series), pp. 70-9 ; *Registrum Johannis de Pontissara*, ed. Deedes (Canterbury and York Society), 203-5 ; P.R.O. Exch. L.T.R. Diplomatic no. 1576, m. 6, transcribed in H. Cole, *Documents*, pp. 361-2. In the Pontissara Register and the Exchequer document only the articles and not the replies are given.

² A diligent search in the Cathedral Library at Canterbury did not discover the original of the Wharton transcript. Possibly it was lost in the fire of 1670 or in the heap of rubbish which many of the Canterbury manuscripts once formed in an adjoining stable (Woodruff and Danks, *Memorials of Canterbury Cathedral*, pp. 394-6).

³ 'Pateat universis quod cum ex parte Archiepiscopi Cantuariensis et suffraganeorum suorum fuissent propositi quidam articuli gravaminum ecclesiasticorum domino dei gratia Edwardo Regi Anglie, fuissetque per ipsos eidem reverenter et humiliter supplicatum, ut eadem regia clementia temporaret. Ipse idem communicato consilio procerum suorum, multiplicatisque tractatibus super his habitis cum eisdem anno domini MCCLxxx^o in parlamento suo hiemali Londonie celebrato in crastino Commemorationis Fidelium, respondit in forma subscripta, asserens se non posse aliter respondere nisi a consilio procerum suorum funditus recedendo, quod nec sibi nec ecclesie, sicut nec statui regni Anglie, aliquatenus expediret. Et quia dictus dominus rex gravaminum moderamina in scriptis dare distulit, pro eo adhuc quedam ulterioris dilationis et deliberationis indagini reservabit, nos super responsionibus [responsionibus in MS.] ad articulos in regis presentia diligenter memorie commendatis, et cum coepiscopis nostris ac prudentibus viris aliis collatione habita diligentius, de ipsorum consilio et assensu memoriale fecimus predictorum articulis ipsis responsiones [responsiones in MS.] seriatim per singulos subiuncturi' (Harleian MS. 667, fo. 3).

⁴ For the date of this parliament see *Cal. of Close Rolls*, 1279-88, pp. 23 and 30.

⁵ Register of Robert Winchelsea, fos. 1-4 ; Canterbury Cathedral Library, Chartae Antiquae C. 256 ; Wilkins, *Concilia*, ii. 314-22.

authenticity given by royal assent ; they are merely redactions made by the clergy of oral responses given in the king's presence, presumably by the chancellor. Their unofficial nature is borne out by the responses given in the Register of William Wickwane. There the wording of the replies is totally dissimilar to that given in the Harleian and Wharton copies, though the substance is in a general way the same.

The second article of the petition of 1280, with the reply as given in the Harleian and Wharton copies, is the Addition of *Circumspecte Agatis*. It reappears in the petitions of 1300,¹ 1309,² and 1315-16.³ The Addition, therefore, exists apart from the Writ in the thirteenth century.

That both the Writ and the Addition existed separately in the thirteenth century does not prove that they were not united in the document issued from Paris in 1286 ; but this fact taken together with their diverse nature creates a suspicion that they were not so united. That suspicion is confirmed by the fact that the copy of *Circumspecte Agatis* which is addressed to Boyland and his associates and dated 'Parisio anno xiiiio' contains the Writ alone. With its address and its date this copy has the characteristics of a transcript closely connected with the original document sent to the itinerant justices of Norfolk. Further evidence that the two parts were considered distinct documents at a later date is afforded by those copies which appear in the following form :⁴

Edwardus Dei gratia, etc. iusticiariis suis itinerantibus in comitatu . . . salutem. Scire nobis faciatis in fide qua nobis tenemini de articulis subscriptis qualiter et quo modo servantur et sub qua forma. Primus articulus Circumspecte Agatis de negotio . . . licet porrigatur. Explicit Statutum Circumspecte Agatis. Incipiunt Articuli contra Regiam Prohibitionem. Sub qua forma etc.

This document appears to be a copy of a chancery writ in which the Writ and the Addition are explicitly described as distinct documents. To sum up, the evidence shows pretty clearly that *Circumspecte Agatis*, when sent to the itinerant justices in 1286, comprised the Writ only.

But this does not exclude the possibility that the Addition was issued as a separate document at the same time. There is evidence that it was. In eight copies⁵ the date 'Paris the fourteenth

¹ Canterbury Cathedral Lib., Chartae Antiquae M. 260.

² *Ibid.* C. 256 (two copies) ; Lambeth Palace Lib., Register of Robert Winchelsey, fos. 1-4 ; cf. Wilkins, *Concilia*, ii. 314-22.

³ 'Articuli Cleri' in *The Statutes of the Realm*, i. 171-4.

⁴ Bod. Lib., Rawlinson MS. C. 466, fos. 157-9 ; *ibid.* C. 612 B, fos. 73 d-74 ; Lambeth Palace Lib. MS. 429, fos. 70 d-80.

⁵ Brit. Mus., Harley MS. 858, fos. 35 d-36 ; Harley MS. 1208, fo. 80 ; Royal MS. 11 A. viii, fos. 68 d-69 ; Hargrave 434, fos. 184-5 ; Bod. Lib., Ashmolean MS. 1276, fos. 143-4 ; Hatton MS. 109, fos. 64-5 ; Rawlinson MS. C. 454, fos. 92 d-94 ; Laud MS. 680, fos. 73-4.

year' is attached to the Addition. In one¹ of the eight dated copies the two parts run on continuously; there is no break between 'licet porrigatur' and 'sub qua forma'. In another dated copy² the Writ ends 'licet porrigatur', and on the next line the Addition begins with a capital S. These are the only two copies of the eight that may be considered as united. In the six copies in which the two parts are not united, the Addition and not the Writ is dated. It is highly probable, therefore, that the date 'Paris the fourteenth year', even though it is the same date as that which is known to belong to the Writ, is also the date of the Addition.

To recapitulate, the copy of *Circumspecte Agatis* printed in *The Statutes of the Realm* is a composite document of two parts. Both parts were in all probability issued as distinct documents from Paris in June or July 1286. The part down to 'ob quod' (line 23) is a writ addressed to the itinerant justices of Norfolk directing them to act circumspectly in the pleas which had grown out of an inquiry, taken in 1285, into the jurisdiction exercised by the clergy of the diocese of Norwich. The second part is a revision of a clause in the clerical petition of 1280. Since the texts printed in *The Statutes of the Realm* are late and corrupt, better texts are printed here.

E. B. GRAVES.

APPENDIX I

The choice of the following text of the Writ rests on the fact that it is addressed to Boyland and his associates and dated 'Paris the fourteenth year'. To be sure, this text varies from the one most frequently found, in having the clause regarding mortuaries immediately before instead of immediately after the clause reading 'item si rector petat adversus parochianos . . . alicuius ecclesie'. When this change has been made, the text of this copy varies but little from the texts of many other copies.

The Writ: Brit. Mus., Royal MS. 9 A. ii, fos. 152-3.

Incipit statutum de prohibicione domini regis.

Edwardus Dei gratia rex Anglie etc. Ricardo de Boylonde et sociis suis iusticiariis suis salutem. Circumspecte agatis de negotio tangente dominum episcopum Norwycensem et eius clerum, non puniendo eos si placitum tenuerint de hiis que mere sunt spiritualia, videlicet de correctionibus quas prelati faciunt pro mortali peccato videlicet fornicationibus, adulteriis, et huiusmodi, pro quibus aliquando pena pecuniaria maxime si convictus de huiusmodi sit liber homo. Item si prelatus puniat pro cimiterio non clauso, ecclesia discooperta vel non decenter ornata, in quibus casibus alia pena infligi non potest quam pena pecuniaria. Item si rector petat mortuarium in partibus ubi mortuaria dari consueverunt. Item si rector petat adversus parochianos suos oblationes, decimas, debitas et consuetas, vel rector agat contra rectorem de decimis minoribus vel maioribus, dummodo non petatur quarta pars alicuius ecclesie. Item si prelatus advocatus alicuius ecclesie petat a rectore pensionem sibi debitam, omnes vero huiusmodi petitiones sunt faciendi in foro ecclesiastico. De violenta

¹ Harley MS. 858.

² Rawlinson MS. C. 450.

manuum iniectione in clericos et in causa diffamationis concessum fuit alias quod placitum inde teneretur in curia christianitatis dummodo non petatur pecunia sed agatur ad correccionem peccati. Item de fidei lesione dummodo agatur ad correccionem peccati. In omnibus casibus predictis et
 20 consimilibus habet iudex ecclesiasticus cognoscere, non obstante regia prohibicione licet porrigatur. Datum Parisio [sic] anno regni nostri xiii^o. Explicit statutum de prohibicione regia.

The choice of the following copy of the Addition rests on the fact that it was written in the early fourteenth century and is dated. The dated copies of the Addition are strikingly similar.

The Addition : Brit. Mus., Royal MS. 11 A. viii, fos. 68 d-9.

Incipit regia prohibicio. Sub qua forma impetrant laici prohibicionem in genere super decimis, oblacionibus, mortuariis, redempcionibus penitenciarum, violenta manuum iniectione in clericum vel conversum, in causa diffamacionis, in quibus casibus agitur ad penam canonicam imponendam. Respondet dominus rex ad istos articulos quod in decimis, oblacionibus, obventionibus, mortuariis, quando agitur ut predictum est, prohibicioni non est locus. Set si clericus vel religiosus decimas suas in horreo congregatas vel alibi existentes vendiderint pro peccunia alicui, si precium illud petatur coram iudice ecclesiastico, locum habet regia prohibicio, quia per
 10 vendicionem res spirituales fiunt temporales et decime transeunt in catallis. Item si sit ¹ contencio de curia de iure decimarum originem habens de iure patronatus et earum decimarum quantitas excedat *quartam* ² partem valoris ecclesie, locum habet regia prohibicio. Item si prelatus imponat alicui penam peccuniarum pro peccato et petat illam peccuniam, locum habet regia prohibicio, si coram prelati vel episcopis pecunia exigatur. Item si quis manus violentas iniecerit in clericum, pro *violata* ³ pace debent emende fieri coram rege et pro excommunicacione coram prelato vel episcopo imponatur pena corporalis, quam si sponte velit reus redimere dando prelato vel leso pecuniam potest nec in talibus est locus prohibicioni. In diffamacionibus libere corrigant prelati non obstante prohibicione, primo iniungendo penam corporalem quam si reus redimere velit libere recipiat prelati pecuniam licet regia prohibicio porrigatur. Datum Parisius anno xiii^o. Explicit regia prohibicio.

APPENDIX II

Of the manuscripts cited below none, I think, is later in date than 1375. Those manuscripts which seem for one reason or another to have been written prior to 1327 have been grouped together. Those which seem to belong to the reign of Edward III form another group. Those whose dates are even more highly conjectural have been placed in a third group.

The following abbreviations have been used :

C.U.L. for Cambridge University Library.

Bod. for Bodleian Library.

B.M. for British Museum.

In the column headed Content :

'Sep.' signifies that the Writ and the Addition are separated by the interposition of other entries between them.

'United' signifies that the Writ and the Addition run on continuously.

¹ MS. omits. ² quartem MS.; characteristic of its family. ³ violenta MS.

'Detached' signifies that the Writ, as a distinct document, immediately precedes the Addition.

'Inverted' signifies that the Addition, as a distinct document, immediately precedes the Writ.

In the columns headed Incipit of Writ and Incipit of Addition :

'A' stands for 'Articuli'.

'C' stands for 'Circumspecte Agatis'.

'Q' stands for 'Sub qua forma'.

'R' stands for 'Regia Prohibicio'.

'S' stands for 'Statutum' or 'Statuta'.

In the last two columns the families to which the Writ and the Addition belong in each case are shown. For the purposes of collation the copies printed in Appendix I have been used as models. In general the Writ appears in one of eight families, although many variations occur within the families. The characteristic readings of the families are :

Family I like the copy printed in Appendix I.

Family II like Family I with the mortuary clause transplanted to follow 'alicuius ecclesie' (line 13).

Family III like Family I with the interposition of the mortuary clause between 'consuetas' and 'vel rector' (line 12).

Family IV like Family II with the addition of 'et non ad penam pecuniariam agatur' after 'licet porrigatur' (line 21).

Family V like Family II with the omission of the clause 'de fidei lesione . . . peccati' (line 18).

Family VI like Family V with the omission of 'advocatus' after 'prelatus' (line 13).

Family VII has the variants both of Family III and of Family IV.

Family VIII like Family II with the following clause attached to 'licet porrigatur' (line 21) : 'melius est tamen quod non faciat nisi prius habeat regiam consultationem.'

The copies of the Addition belong in general to three families, the characteristics of which are as follows :

Family A like the copy printed in Appendix I.

Family B like Family A with the omission of the final clause reading 'prius iniungendo . . . licet porrigatur'.

Family C, which originated in the petition of 1280,¹ varies from Family B in the following respects :

For 'agitur ut predictum est' (line 6) read 'sub istis nominibus proponuntur'.

After 'locus' (line 7) add 'etiam si propter detencionem istorum diuturnam ad estimacionem earumdem pecuniariam veniatur'.

For 'quartem' (line 12, note 2) read 'terciam' or 'quartam'.

After 'prohibicio' (line 15) add 'verumptamen si prelati imponant penitencias corporales, et sic puniti velint huiusmodi penitencias per pecuniam redimere, non habet locum regia prohibicio, [si coram prelatibus pecunia ab eis agitur]'.

¹ The text of 1280 in Harl. MS. 667 contains, among others, the further variante; for 'precium illud petatur' (ll. 8-9) read 'petatur pecunia'; for 'excedat quartem partem valoris' (l. 12) read 'ascendat ad terciam partem bonorum'; after 'prohibicio' (l. 13) add 'si hec causa coram seculari iudice ventiletur'; and in the additional clause of Family C (l. 15), for 'pecunia ab eis' read 'vel ab episcopis pecunia'.

	<i>Manuscripts.</i>	<i>Content.</i>	<i>Incipit of Writ.</i>	<i>Incipit of Addition.</i>	<i>Family of Writ.</i>	<i>Family of Addition.</i>
Copies which seem to belong to the reigns of Edward I and Edward II.						
1	Register of Godfrey Giffard, fo. ccxxxviii	Writ only	A	—	V	—
2	Register of John le Romeyn, fo. 1 d.	Sep. Add. precedes	—	—	V	C
3	B.M. Additional 32085, fo. 54	Detached	A	R	III	AC
4	„ Royal 9 A. ii, fo. 152	Writ only	S	—	I	—
5	„ Royal 9 A. vii, fo. 199	Detached	C	S	V	B
6	„ Royal 10 A. v, fo. 61	Add. only	—	A	—	C
7	„ Royal 11 A. viii, fo. 68	Detached	S	R	II	A ¹
8	„ Royal 20 A. viii, fo. 42	Detached	A	R	V-VI	B
9	„ Harley 395, fo. 83 d	Inverted	A	A	IV	C
10	„ Harley 1028, fo. 44	Inverted	S	S	II	AC
11	Bod. Additional A. 107, fo. 54 d	Inverted	R	S	II	AC
12	„ Additional C. 188, fo. 47	United	A	—	II or V	B
13	„ Bodley 559, fo. 48 d and fo. 56	Sep. Writ precedes	C	R	V	B
14	„ Bodley 940, fo. 207	Detached	S	Q	II	A
15	„ Laud 1036, m. 10	Writ only	C	—	?	—
16	Oxford, Merton Coll. Lib. ccxxxi, fo. 162	Writ only	—	—	II or V	—
17	C.U.L. Mm. i. 27, fo. 169 d	Sep. Add. precedes	—	Q	V	C
18	Canterbury Cath. Lib. Reg. J, fo. 410	Writ only	—	—	?	—
19	London Guildhall, Liber Horn, fo. 94 d	Inverted	A	S	IV	C
20	„ „ Liber Horn, fo. 251 d	Writ only	C	—	V-VI	—
21	„ „ Liber Custumarum, fo. 154 d	Inverted	A	S	IV	C
22	C.U.L. Mm. v. 19, fo. 112	United	—	—	unique	—
23	„ Mm. v. 19, fo. 118	Add. only	—	—	—	AC
Copies which seem to belong to the reign of Edward III.						
24	B.M. Harley 1120, fo. 67 d	United	A	—	V	B
25	„ Harley 3937, fo. 69 d	United	S	—	II ²	A
26	„ Harley 3942, fo. 159 d	Inverted	A	R	IV	B
27	„ Lansdowne 472, fo. 52	Add. only	—	R	—	A ²
28	„ Lansdowne 476, fo. 85 d	Writ only	S	—	VI	—
29	„ Sloane 990, fo. 156	United	S	—	V	B
30	„ Stowe 386, fo. 52 d	Detached	S	—	V	C
31	Bod. Rawlinson C. 230, fo. 26 d	Detached	S	—	II or V	B
32	„ Rawlinson C. 453, fo. 216	Detached	C	A	II or V	B
33	„ Rawlinson C. 454, fo. 92 d	United	—	—	II	A ¹
34	„ Rawlinson C. 456, fo. 156	Incomplete	S	—	—	—
35	„ Rawlinson C. 457, fo. 94	Detached	S	S	IV	B
36	„ Rawlinson C. 666, fo. 86 d	Detached	C	A	II	A
37	„ Rawlinson C. 668 A, fo. 70 d	Detached	A	Q	?	C
38	Oxford, All Souls Coll. Lib. 42, fo. 276 d	Writ only	—	—	VIII	—
39	C.U.L. Dd. xv. 18, no. 24	Inverted	S	Q	II	C
40	„ Ee. i. 5, fo. 51	United	A	—	IV	B
41	„ Ee. ii. 19, fo. 56	Writ only	A	—	VII	—
42	„ Hh. iii. 11, fo. 38 d	Writ only	—	—	V	—
43	„ Hh. iv. 1, fo. 99	Writ only	C	—	V	—

	<i>Manuscripts.</i>	<i>Content.</i>	<i>Incipit of Writ.</i>	<i>Incipit of Addition.</i>	<i>Family of Writ.</i>	<i>Family of Addition.</i>
44	C.U.L. li. vi. 25, fo. 116	Detached	S	A	IV	BC
45	Cambridge, Trinity Coll. Lib. O. 2. 58, fo. 60 d	Detached	S	R	V	B
46	„ Trinity Coll. Lib. O. 9. 26, fo. 51 d	United	C	—	V-VI	B
47	„ St. John's Coll. Lib. 238, M. 10, fo. 141	Detached	—	R	V ?	AC
48	„ Fitzwilliam Mus. McClean 142, fo. 69	United	S	—	II	A ⁴
49	Canterbury Cath. Lib. Reg. E. 11, fo. ?	Sep. Writ precedes	—	A	II	A
50	Lambeth Palace Lib. 429, fo. 103	United	C	—	V-VI	B ?
Copies made some time before 1377, which I cannot assign definitely to one of the above groups.						
51	B.M. Additional 18045, fo. 225 d	Detached	C	A	II ?	A
52	„ Additional 22708, fo. 99 d	United	A	—	II ²	B
53	„ Additional 24066, fo. 103	Writ only	A	—	V	—
54	„ Additional 25142, fo. 52 d	Detached	A	R	V-VI	B
55	„ Cotton Vespasian B. vii, fo. 60	Detached	C	A	II	A
56	„ Hargrave 336, fo. 186	Sep.	A	—	IV	C
57	„ Hargrave 433, fo. 132 d	United	—	—	V-VI	B ⁴
58	„ Hargrave 434, fo. 162	United	S	—	V	B
59	„ Hargrave 434, fo. 184	Inverted	A	S	II	AC ¹
60	„ Harley 489, fo. 34	Writ only	—	—	V	—
61	„ Harley 667, fo. 101 d	United	—	—	IV	B
62	„ Harley 673, fo. 56	Detached	S	A	VII	BC
63	„ Harley 748, fo. 110	United	C	—	II	B
64	„ Harley 858, fo. 35 d	United	C	—	II	A ¹
65	„ Harley 936, fo. 106	Detached	R	A	V	BC
66	„ Harley 946, fo. 109 and fo. 112 d	Sep. Add. precedes	—	A	VII ⁴	C
67	„ Harley 947, fo. 84 d	Detached	S	A	II	A
68	„ Harley 1011, fo. 48 d	Detached	S	S	VII ⁴	C
69	„ Harley 1208, fo. 79 d	Detached	S	S	V	A ¹
70	„ Harley 1690, fo. 39	Detached	A	R	IV	B
71	„ Lansdowne 467, p. 36	Writ only	S	—	V	—
72	„ Lansdowne 471, fo. 52	United	S	—	V	B
73	„ Lansdowne 472, fo. 47	United	C	—	II	A
74	„ Lansdowne 478, fo. 109	United	A	S	V-VI	B
75	„ Lansdowne 575, fo. 141	Writ only	—	—	V	—
76	„ Lansdowne 652, fo. 179	United	A	—	V	B
77	„ Lansdowne 1174, fo. 156 d	Detached (incomplete)	A	R	V	?
78	„ Lansdowne 1176, fo. 173	?	—	—	IV	?
79	Bod. Ashmolean 1276, fo. 127	United	S	—	II or V	B
80	„ Ashmolean 1276, fo. 142	Inverted	A	S	II	A ¹
81	„ Hatton 109, fo. 64 d	Detached	S	R	II	A ¹
82	„ Laud 680, fo. 73	Detached	S	R	II	A ¹
83	„ Rawlinson C. 612 B, fo. 73 d	Detached	—	—	II or V	B ⁴
84	„ Rawlinson C. 668 B, fo. 68 d	United	S	—	II ⁴	A
85	„ Rawlinson C. 820, fo. 61 d	United	S	—	II or V	B

	<i>Manuscripts.</i>	<i>Content.</i>	<i>Incipit of Writ.</i>	<i>Incipit of Addition.</i>	<i>Family of Writ.</i>	<i>Family of Addition.</i>
86	Bod. University cvii, fo. 127	Inverted	A	S	II	B
87	C.U.L. Dd. vii. 6, fo. 24 d	Detached	—	S	IV	C
88	„ Ee. i. 1, fo. 41	Writ only	S	—	V	—
89	„ Ll. i. 16, fo. 68	Inverted	A	Q	V	C
90	„ Ll. iv. 17, fo. 71 d	Detached	A	R	V-VI	B
91	„ Ll. iv. 18, fo. 66	Writ only	C	—	II	—
92	Cambridge, Trinity Coll. Lib. O. 1. 76, fo. 128	United	S	—	II	B
93	„ Trinity Coll. Lib. O. 3. 20, fo. 47	United	A	—	IV	B
94	„ Trinity Coll. Lib. O. 3. 45, fo. 40	United	—	—	V-VI	B
95	„ Emmanuel Coll. Lib. I. 421, fo. 83	Inverted	S	S	?	B
96	London Guildhall, Liber Ordinationum, fo. 64 and fo. 65	Sep. Writ pre- cedes	C	A	V	B
97	Lambeth Palace Lib. 179, fo. 122	Writ only	A	—	V-VI	—
98	„ „ 350, fo. 59	Writ only	A	—	III	—
99	„ „ 429, fo. 79 d	Detached	—	—	V-VI ¹	B
100	Oxford, All Souls Coll. Lib. 44, fo. 82	United	A	—	II	BC

¹ The Addition is dated. See *supra*, p. 14.

² The bishop of Lincoln is substituted for the bishop of Norwich.

³ The Addition is dated 'Parisius anno xiiii^o'.

⁴ See *supra*, p. 9, n. 1.

⁵ Described on p. 14.

⁶ The bishop of Durham is substituted for the bishop of Norwich.

Rolls from a Sheriff's Office of the Fourteenth Century

THE activities of the medieval sheriff are so much a matter of course that students have perhaps hardly realized how much in the way of organized and systematic office work must have been essential if the machine of local administration was to run with any degree of smoothness : it is indeed peculiarly difficult to picture institutions of which we have neither record nor description ; and that until recently has been our position with regard to this office. The sheriff, as we saw him at work in the thirteenth and fourteenth centuries through chancery, exchequer, and legal records, was clearly the chief regular official in the county for almost every variety of public business : he was the president of the county court ; he was responsible for collecting such part of the king's revenue as was not in the hands of special commissioners, and for seeing that all accounts were presented at the Exchequer for audit ; he supervised all matters connected with the summoning of the feudal army ; he was the local representative and executive officer of all the courts ; in brief, he acted as distributing agent for all communications between authority at the centre and private individuals in the provinces. All this meant without question a permanent office and a permanent staff, the making of documents on a considerable scale, and their accumulation to a degree almost as considerable, whether as precedents or by way of memoranda. Yet from all this office work there had nowhere (so far as we knew) been preserved to us any body of archive remains. We did indeed know that successive sheriffs took over or handed on stores of muniments—a few of the indentures exchanged on such occasions have survived ¹ to throw a doubtful light upon the performance—but the actual records were wanting. Had a proposal for county treasuries,² which was before the House of Commons in 1547, gone any farther the tale might have been different. As it is, the records, though we may infer their temporary preservation, have perished with a completeness which almost seems to argue deliberate policy : so much so that we should be puzzled

¹ Sheriffs' Accounts 18/2 ; Chancery Miscellanea 37/18 (11) and (48).

² See *Commons' Journal*, i, p. 1.

to produce for any period before the nineteenth century in any county a reasonably complete set of any of the following :

1. records compiled by the sheriff for use at the centre as vouchers or memoranda in financial, military, or legal processes ;
2. records compiled and kept in the sheriff's office for purely domestic purposes ;
3. documents received from the centre and stored in the sheriff's office for reference ;
4. documents which passed between the sheriff's office and the hundred office.

However, during the last few years from one source or another—from their reproduction in the purely formal records of the Exchequer,¹ from casual originals left behind in the process of accounting,² and from fragmentary remains among private muniments³—a beginning has been made⁴ with the task of reconstructing medieval county archives. We are getting a first glimpse of the inside working of processes which have their starting-point in the chancery, court of justice, or exchequer, and move thence by a regular progress through the sheriff's office to the hundred (or liberty), and so to the individual ; returning by the same steps to the central organization, with results which are before us in every membrane of the Pipe, Plea, or Chancery Rolls. We are even beginning to see the possibility of obtaining some day a clear view of the whole local working of the administrative machine at different periods—with all which that implies of increased knowledge about social conditions—and of making inferences as to its early systematization throughout the country, its origins and its relations to other institutions in England and elsewhere. And quite a considerable step forward may be made by the discovery of three new rolls to be described below.

The survival of these documents is a most unusually fortunate coincidence ; for they are three large rolls, each of a quite distinct kind, preserved in places widely apart, and yet relating to the work in a single district of three successive sheriffs. We cannot

¹ For example, in the copies of particulars of small debts collected by the sheriff, for the total sum of which he received a dividend tally. These were enrolled in the three-columned Receipt Rolls. See H. Jenkinson, 'Medieval Tallies, Public and Private, in *Archæologia*, vol. lxxiv, p. 301 ; M. H. Mills, Introduction to *Pipe Roll for 1295, Surrey Membrane* (Surrey Record Society), p. x.

² As examples of these we may cite Ministers' Accounts, Sheriffs' Accounts, Profits of the County (Lord Treasurer's Remembrancer's Miscellaneous Rolls, Bundles 5, 6, 9), and Illevyable Debts (*Ibid.*, Bdle. 7).

³ For example, the Stonor Papers among which the first discovery of a county court roll was made (see Jenkinson, 'Plea Rolls of the Medieval County Courts' in *Cambridge Historical Journal*, vol. i, 103-7).

⁴ By Miss H. M. Cam (various detached notes), Professor W. A. Morris (*The English County Court*, University of California Publications in History, xiv, no. 2, 89-230), Mr. Stewart Brown (*Calendar of County Court, City Court and Eyre Rolls of Chester*, Chetham Society) : see also notes 1 and 3 above.

attempt to deal with them here in detail : they are indeed far too bulky, and much of the information contained in them is of local rather than general interest. But their mere existence, in view of what has already been said, calls for some consideration by a wider public ; and we propose therefore to give here such description of their nature, size, and make-up, and the appearance of system in their compilation, as may serve to establish their significance in the general scheme of fourteenth-century administration. It is good news that more elaborate work is already in hand locally.¹

The rolls relate to the counties of Bedford and Buckingham and are in order of date as follows :

(i) The *Particule Proficui* or *Account of the Profits of the County* for 3-4 Edward III (1329-1330), the last year of the sheriffdom of John le Mareschal. This document is not unique—there are indeed a number of the same type among the Public Records,² one dating from so early as 1226³—but it is a particularly good one and comes from a set not previously identified.⁴

(ii) The *Plea Roll of the County Court of Bedford* for the seven months October 1332 to April 1333 (Philip de Aylesbury being then sheriff). This again is not the first document of its kind to come to light,⁵ but, until quite recently, nothing of the sort was known to exist, or indeed (with certainty) to have been made ; and it is by far the best specimen for a normal⁶ county court that has yet been found. It was discovered⁷ among the muniments of Mr. Nigel Stopford-Sackville at Thrapston, Northamptonshire, the history of whose family, we understand, sufficiently explains its presence there by descent from a coroner of the period.

(iii) The *Enrolment of Writs Received* by the sheriff, Ralph de Wedon, for the period 13 June 1333 to 12 November 1334. This was brought to light among the collections of the William Salt Society at Stafford.⁸ Its previous history is unknown,⁹ but it has

¹ Dr. G. H. Fowler has completed a transcript, only slightly shortened by the use of some fixed conventions, of the enormous Roll of Writs ; and this, with an index, will be deposited in the Muniment Room of the Bedford County Council. He will issue the county court roll practically in *extenso* for the Bedfordshire Historical Record Society.

² See *infra*, p. 30.

³ Exchequer, K.R., Accounts, 505/5.

⁴ Exchequer, L.T.R., Miscellaneous Rolls, Bdle. 9.

⁵ Rolls are now known for Bedfordshire, Berkshire, Cornwall, and Oxfordshire.

⁶ The Rolls of Chester edited by Mr. Stewart Brown, and the still unpublished rolls of later date, are records of a county with peculiar jurisdiction.

⁷ By Miss Joan Wake, to whose courtesy, as also to that of the owner, the present writers must express their obligation.

⁸ We are much indebted to the Librarian, Miss H. Garbett, for enabling us to identify it, and to the Society for courteously allowing it to be deposited at the Public Record Office for our study ; in which we had the help of the members of a small class of research students, particularly Mrs. R. R. Formoy and Miss C. A. Musgrave.

⁹ William Salt died in 1863 and his collections were acquired by their present owners in 1872 (see *Dictionary of National Biography*, *sub nom.*).

been rather poorly repaired and in some places touched with tincture of gall, for a guess, during the first half of last century at one of the then existing London Record Offices. This record is unique in size and style and practically so in character.¹ We will take it first, as chief in importance.

THE ROLL OF WRITS.

General description. The 'roll' consists of 24 membranes, one represented only by a tiny fragment, 23 varying from 13 to 31½ inches in length and from 12½ to 14 in breadth. Some of these membranes have had pieces lopped off at the foot, apparently by scissor cuts, others are complete, and one or two are doubtful: the whole was originally filed together through two pairs of holes at the head. Each membrane has two margins, that on the right measuring from 3 to 3½ inches, that on the left about 1 inch. We may say at once that the text consists of writs received from all manner of sources, enrolled in a form only slightly shortened, with sub-headings interspersed: in the left margin are entered the hundreds concerned, in the right a note of the action taken. The writing is by at least three hands, one (which did the bulk of the work) perhaps a little behind the times in style, the others fairly but not excessively up to date: the first has executed an elaborate heading to membrane 4 in 'Lombardic' capitals (*Rad's de Wedone vic' Bed' et Buk'*). In places (e.g. on membrane 5) the writing of both text and marginals is small, rough, and crowded; but throughout the hands are those of highly practised scribes, writing rapidly and easily: there is nothing to stamp any of them as a local production. It may be possible (though we doubt it) to establish an identity between some of this writing and that of the Plea Roll.

The roll, which runs from 13 June 1333 to 12 November 1334, is obviously incomplete, though for reasons which will appear it is difficult to say how much is missing. Its bulk, which, even as it stands, is enormous, may perhaps be gauged when we say that the number of its extant entries (2,000) is about equal to that of the entries on a contemporary Patent Roll and considerably more than those on a Close Roll.²

¹ Suffolk Roll 4 (Bodleian Library) contains copies of writs from Edward II and Edward III to the sheriff of Suffolk, concerning the liberty of St. Edmunds: though not an enrolment of writs, this was probably compiled from a series of similar records belonging either to the sheriff of Suffolk or to the seneschal of St. Edmunds. Mickleton and Spearman MS. 9 (Bishop Cosin's Library, Durham), pp. 75-242, contains *Libri de retorno breuium* for Northumberland, 1627 to 1629, three books following the same general form as our roll of writs with certain modifications due to their later date. We are indebted to Miss Cam for the first and to Miss G. Scott-Thomson for the second of these references.

² The membranes of the Chancery Rolls are smaller in width—about 11½ inches with one margin of 1½ to 1¾ inches—and the writing generally rather larger. The approximate

Arrangement. The first point of importance is the appearance of the hundreds in the left margin, which shows (a fact not hitherto certain) that the bailiff of the hundred (whether private or royal) had normally to carry out the actual work implied by the issue of the king's writ. The importance of the hundred at this period will undoubtedly emerge more and more as additional scraps of evidence come to light.¹ In the case of writs the sheriff seems to have sent a writ in his own name reciting the actual words of the royal instrument and adding his own instructions.²

The real grouping of the roll, however, is by the courts out of which the writs issued and the times at which they were returnable. At intervals we have a sub-heading setting this out: thus membrane 1, after the heading '*¶ Radulphus de Wedon Vicecomes*', has '*Coram Domino Rege a die sancte Trinitatis in xv dies vbi cumque tunc fuerit in Anglia Anno regni Regis Edwardi terciij a Conquestu septimo*'. Following this we have blocks of writs under such sub-headings as: '*Coram Baronibus de Scaccario apud Eboracum*', '*Coram Iusticiis domini Regis apud Westmonasterium*', '*In Cancellaria*', '*Coram Cancellario vbi cumque*', '*Coram Iusticiis de Banco*', '*Coram Domino Rege vel Cancellario vbi cumque*', '*Coram Domino Rege apud Eboracum*', '*Coram Domino Rege ad Parliamentum suum apud Eboracum*', '*Coram Domino Rege et eius consilio ad Parliamentum apud Westmonasterium*', and others for the justices of gaol delivery at Newgate. The first two sections (on m. 1 and m. 1 d) are for the first two courts mentioned above and returnable on the quindene of Holy Trinity (13 June). Following further blocks of writs returnable on the morrow of St. John Baptist we have a memorandum:

Et sciendum quod breuia ad hunc diem returnabilia coram Rege et coram Baronibus liberata fuerunt Ricardo Bouwel Nuncio³ apud Bedeford' die Marcij proximo ante festum Natiuitatis sancti Iohannis Baptiste ad deferendum etc' cum ij.s. pro expensis. etc'. Et Breuia retornabilia coram Iusticiis de Banco ad hunc diem liberata fuerunt Roberto le Sangstere Nuncio apud Bed' die Veneris in Crastino sancti Iohannis summo mane ad deferendum etc' vna cum viij.d. pro expensis suis etc'.

figures in an average year (4 Edward III) are for the Close Roll 42 membranes, 1,300 entries, 184 pages in the Record Office printed Calendar; for the Patent Roll 92 membranes, 2000 entries, 156 pages in the (much abbreviated) Calendar.

¹ Thus, to quote only one example, Professor B. H. Putnam tells us that she has discovered in Coram Rege Rolls of Edward III a number of examples of indictments taken before the constables of these divisions. It would be extremely interesting to follow this clue farther.

² Extents and Inquisitions 1/1/33 (Essex, 41 Hen. III); Sheriffs' Accounts 15, 4 (8) (Wiltshire, 1 Edw. II); *Stonor Letters and Papers* (Camden Society, Third Series, vol. xxix), p. 15 (Oxford 1378). The form is the same, as far as can be seen, in all three cases: the first two are imperfect. See also Chancery, Miscellanea, 34/1/20.

³ He is called *nuncio vicecomitis* on m. 8 d.

Other notes of the dispatch of messengers occur regularly in similar form : but on m. 8 d with the heading '*Coram Baronibus de Scaccario*' they stop and do not appear again until m. 14 d, that is from the morrow of St. Hilary (15 January) until Easter three weeks. It is not impossible that the lopping of the membranes already noted is responsible for this ; ¹ which would enable us to regard the 'livery' clause as a practically unvarying feature.

Types of entry. It would seem that all writs received were entered without exception. The hastiest glance shows us not only all kinds of *capias*, and writs of attachment and distraint, summons by original writ and *habeas corpus*, *non omittas*, and so forth, but also *certiorari*, *eligi facias* (for Parliament), *exigend*, *extendi facias*, *feri facias* (very numerous), *habere facias visum* (again very numerous), *leuari facias*, *liberari facias*, *recordari facias loquelam*, *replegiari facias*, *de recto*, *supersedeas*, and *venire facias* either *ad respondendum* or for a jury (the numbers of the jury differing widely). We note, besides the very numerous civil pleas of account, debt, dower, rent, waste, and all manner of cases connected with land, very frequent allegations of trespass and a number of assault, robbery, and other felonies. Special interest attaches to some writs for the distraint of lands and chattels of sheriffs and other officials in respect of their arrears at the Exchequer. Among these is John le Mareschal whose roll of *Proficuum* we are to discuss below : for by another happy coincidence the one survivor (so far as we know) of all the original accounts which must have been put in at the Exchequer by Philip de Aylesbury during this term of office is that ² for the issues of the lands and tenements of John le Mareschal, late sheriff, and of his goods and chattels which Philip levied in the name of distraint by the king's writ : the account runs from 25 January 1331 to 1 August 1332 ³ and the king made by it £6 17s. 6d. The document, a single membrane, measures 15 inches by 9 inches and was apparently written by the same clerk who wrote a good deal of the Plea Roll.

We must not take space to establish further the wideness of field over which our record ranges. Most of the writs could of course be traced into Plea Rolls among the Public Records, but only with colossal labour : perhaps we may hope that the Roll of the County Court (though of an earlier date) may afford some evidence of cases which will link up with this roll.

Action taken upon the writs. This, as it appears in the right margin, may be sufficiently exemplified by certain common

¹ Membranes 10, 11, 13, and 14 appear all to have been cut.

² Sheriffs' Accounts 1/9.

³ There is also extant an account in respect of some other goods and chattels of John le Mareschal rendered 14 July 1332, in response to an Exchequer writ, by certain tenants of lands late of John de Aston, formerly bailiff of Asheridge (Exchequer Accounts, 507/15).

forms relating to the pledges for appearance of the parties, goods distrained, and other cases of very frequent occurrence: thus 'suffic' pro' X., or 'suffic' pro omnibus', or 'et sunt exitus' (sometimes with a note of the amount)¹ are normal marginals. Alternatively we may have a note of difficulties experienced: 'non est inventus', or 'nichil habet per quod', or 'non respondet', or 'non pleg' de proseguendo' or a note of late delivery of the writ. In the case of *exigend* we find notes as to exactions at successive county courts and the final outlawry, if that occurred: in one case the man appeared, went to prison, and died there. Less normal entries we must not attempt to detail; but for a special reason we may cite a note on m. 5 (apropos of one of these *exigend* cases), 'ut plenius patet in rotulo placitorum Comitatus Buk': here is clear evidence that the court of the sister county had also a Roll of Pleas.

THE PLEA ROLL OF THE COUNTY COURT OF BEDFORD.

General description. This 'roll' consists of seven membranes, measuring from 23 to 30 inches by roughly 8½ inches, with the tiny fragment of an eighth. The membranes were filed, like those of the Roll of Writs, through two pairs of holes at the head, and have a margin of 1 to 1¼ inches on the left, devoted like those of other Plea Rolls to entries of the local subdivisions involved—in this case of course the hundreds—and certain notes upon the cases, of which more later. Each membrane gives us the record of a single session² (either four or five weeks intervening between sessions), and has some such heading as 'Comitatus Bed' tentus ibidem die Lune . . . anno Regni Regis Edwardi vj^{mo}' (or 'vij^{mo}'): the latest³ (that after Easter) is called 'Comitatus Bed' generalis', though that after Michaelmas bears no such distinction,⁴ nor is there any obvious difference in form and procedure between any of the courts as they appear on our roll. The membranes are filed in order of date from the lowest up. It is worth noting that this roll is for the *last* half-year of Philip de Aylesbury, just before he handed over to Ralph de Wedon, so that the Roll of Writs is very close to it in date: also that one of the county Plea Rolls⁵

¹ This is sometimes, alternatively, interlineated in the text in the fashion well known in Plea Rolls and Court Rolls.

² The dates are 12 October, 16 November, and 7 December in 1332, 4 January, 1 February, 1 March, and 26 April in 1333. Doubtless the date of the fragment is 29 March 1333.

³ Membrane 1 on the roll.

⁴ The *magnus comitatus*, or *generalis comitatus* was held twice a year: cf. Pollock and Maitland, *History of English Law*, i. 538–40; W. A. Morris, *The Early English County Court*, p. 97.

⁵ Court Roll, 161/74, for Cornwall. This, a roll of 24 membranes, shows important formal differences from the Bedfordshire roll.

previously discovered is of the same year, which will offer a standard of comparison. The writing is by several hands, and much the same remarks may be made of its dates and style as in the case of the Roll of Writs.

Form and arrangement. Each membrane begins with a list of essoins. Then follow the 'exigends', the writ being recited at length on the occasion of the first execution. These make an interesting parallel with the Roll of Writs, but the note of action taken is here part of the text; at the fifth execution we get a note in the form 'Et non comparuerunt. Ideo per A. et B. Coronatores Comitatus predicti ad iudicium vtlagati sunt'. Exactions are also on occasion found at the end of the sessions entries. The remaining space is taken up with the pleas, those based upon a royal writ being mixed with the rest. There is, however, a tendency to quote some royal writs in full: we have for instance on one membrane¹ two examples of the writ *iusticies* and one of *questus est nobis*; and the *recordari facias* is referred to by name.² We note also an apparent tendency to group together at the end of the session cases which were at their first stage: a possible explanation is that the summons here was a verbal one actually made in court.

The forms of the entries are very closely parallel to those in use in ordinary Plea Rolls; but the bailiff of course appears where the sheriff would figure in royal rolls, and we note in pleas at their first stage the addition of the names of pledges for prosecution. Very reminiscent also of proceedings elsewhere is the extreme frequency with which one of the parties did not come and the consequent prevalence of distraint and attachment, 'sicut alias', 'sicut pluries', and amercement of pledges; and the bailiff (like the sheriff in higher courts) not infrequently finds himself 'in misericordia'.

This brings us to one of the most interesting features of the roll, the added notes.³ In the margin we have normally 'm[iseri-cord]ia', 'sum[monicio]', 'att[achiamantum]' and 'dis[triccio]'; but the text itself is full of interlineations, upon which we must say a word here, because they reflect on the manner of making and using the record.

It seems clear that part of the roll was normally made up in advance; while other parts were written during or immediately after the session, and some notes at least were added later. A single citation⁴ may make this clear. We read that the prior of X.

¹ M. 4 d: see also ms. 7, 7 d, 8.

² 'per quoddam breue domini Regis quod dicitur recordari facias' (m. 7). An ordinary case initiated by royal writ is introduced with the words, X.Y. 'queritur per breue domini Regis'.

³ The elucidation of these in the full edition of the roll should prove very interesting: they differ from those in the Cornwall roll.

⁴ From membrane 7.

by his attorney 'optulit se versus' Y.Z. Y.Z. came not; and the bailiff had been (*fuit*) ordered to attach him by pledges; and the same bailiff has made no reply; therefore he is in mercy; and order is made to the same bailiff 'sicut pluries' to attach him by pledges so that he may be at the next court to answer &c. All this is in one hand, as are the marginals 'misericordia' (applying to the bailiff) and 'attachiamentum' (applying to Y.Z.). There is nothing above the name Y.Z. in the text, for nothing further happened to him; but above the prior's name is (1) a note in another hand 'a[pparet] p[er] a[ttornatum]' and (2) a still later note 'habet licenciam recedendi a querela sua eo quod pars defendens nichil habet per quod &c.' We may complete the example by adding that the last-mentioned note appears as a formal enrolment at the next court,¹ while from the record of the previous court² we find that the precept to the bailiff was even then a 'sicut pluries' and that Y.Z. had already committed several defaults.

The nature of the cases. We must not attempt to analyse cases here; but they should prove sufficiently numerous and varied (though there is of course a great deal of common form) to provide, in combination with the other rolls already known, a good picture of the methods and activities of the court at this date and a basis for comparison with what we know (from legal treatises)³ of its work at a later period. We may note⁴ one curious action in which damages are claimed as a result of alleged slander.

THE PARTICULE PROFICUI.

General description. This 'roll' now consists of 16 narrow membranes, from 20 to 35 inches in length by about 6 in breadth: they were made up first in three sets, being filed at the head in the same way as the other 'rolls'; and later all were pierced by a third filing string. The first membrane has the heading 'Particule Compoti Iohannis le Mareschal vicecomitis Bed' et Buk' vt Custodis de proficuo horum Comitatum de anno .iiij.^{to} Regis Edwardi. terciij'. A large part of the roll is written by a rather distinctive hand which works indifferently for both counties; but other writing appears, some of it having a certain affinity with writing found in the Plea Roll; and a number of the entries are obvious additions in different ink.

Arrangement. This is, once more, mainly by hundreds, each occupying one side of a membrane. Within these the sheriff's receipts are grouped by means of marginals as from 'Hidagium',

¹ Membrane 6.

² Membrane 8.

³ The court will be treated from a more purely legal point of view in a forthcoming article by Professor T. F. T. Plucknett in the *Yale Law Journal*.

⁴ From membrane 3 d.

'Visus', 'Prestacio pro pulcre placitando', and 'Amerciamenta Turni',¹ the amounts under each being summed later and marked 'probatur': the membranes also are summed but not the hundreds. The Bedfordshire receipts for the Easter term of 1330 come first (four membranes) as described above: the payments are usually made by villis except in the case of the turn, where we have the amercements of individuals: then follow the same for Buckinghamshire.² Then we have, on a separate membrane and arranged under sessions from Wednesday 7 November till Wednesday 25 April, the 'Amerciamenta Comitatus' for the Buckingham County Court,³ payments here again being from the individuals amerced. After this come the Michaelmas receipts for Bedford, arranged in the same way as before, except that a marginal 'Secta et Warda' replaces that of 'Visus'; and then, again on a separate membrane, the 'Amerciamenta Comitatus' for Bedford from 28 May to 10 December; but there were no 'Placita et Perquisita' save at the first session, because 'omnia placita summonita fuerunt essendi coram iusticiis domini Regis tunc itinerantibus ibidem': the eyre was all that time at Bedford.⁴ Finally we have the Michaelmas membranes for Buckinghamshire in the same forms but with no county court. It is clear that part of the roll has perished, since some hundreds and some of the county court entries are missing for both counties, and there is no 'subtrahuntur' entry to show how the receipts were divided between the farm and the profits:⁵ the Pipe Roll,⁶ however, should supply this last.

Matter contained in this record. It is from the receipts recorded here that the sheriff pays that farm of the county which we know so well on the Pipe Roll. As has been said, the document here cited is by no means unique—we know in fact nearly 120, in different places among the Public Records, of dates up to 14 Edward III, and there are others later—but their value as indirect evidence for the activities of the county court and upon other points has not yet been fully appreciated. For our present purpose their survival in considerable numbers is distinctly useful; since we are able to establish the existence of a series in Bedfordshire and Buckinghamshire which was still using the same

¹ In some cases the turn receipts were written on a separate membrane which was afterwards sewn on to the other: and they are sometimes, but not always, in a different writing.

² The names here are those of the larger hundreds, but in each case the three smaller hundreds are also mentioned.

³ It met once at Buckingham and on other occasions at Aylesbury.

⁴ Assize Rolls, 23–28; *Calendar of Patent Rolls* (1327–30), pp. 521, 528.

⁵ For further details regarding the *Particule Proficui* see M. H. Mills, 'Experiments in Exchequer Procedure', and 'Reforms at the Exchequer' (*Royal Historical Society Transactions*, Fourth Series, vols. viii and x).

⁶ No. 175.

form fifty years after our date,¹ and on the other hand to note that, while we have a large number of rolls discharging the same function in other counties, the forms of these differ in their arrangement though the essential principles are the same. The reasons for this difference must be left for treatment in another place.

A few inferences seem justified. 1. In the first place it must be remembered that, to obtain a full idea of the writing work that went on in a sheriff's office, we have to set beside the documents we have been examining (which cover only a part of his work) many others, large and small, of which we know either by implication, or by actual survival in other counties, or by copies of them in chronicles, cartularies, and so forth.

We have already suggested that parallel to the writing of his Roll of Writs was that of a host of mandates addressed to his bailiffs, not to mention the returns sent in to the king's courts.

2. There is then, we submit, clear evidence that in the counties we have been considering there was, by the fourteenth century, a permanent, efficient, and fairly numerous clerical staff at the sheriff's office, the standard of whose work did not fall below that of the central government.

3. It is equally clear that this state of affairs was not confined to Bedfordshire, but was to be found in every normal county, and in at least most of those with peculiar jurisdiction, though different counties might use conventions and forms showing marked variations. It is true that the Roll of Writs is at present unique, but it was produced by needs which would be felt just as strongly by sheriffs all over the country; and the other two rolls have, as we have seen, their parallels elsewhere about the same date.

4. It is difficult to believe on the evidence that either staff or methods were things of recent growth. It is also difficult to believe that the methods were modelled on those of the centre: rather they seem to suggest (and the evidence of the forms used in manorial court rolls must not be left out of account) derivation from a common origin.² This opens up a wide field for speculation both as to the numbers³ and education of the clerical class and as

¹ A roll of 3 Richard II is in the same bundle: there are also some intervening examples, namely the accounts of at least eight sheriffs of Bedfordshire and Buckinghamshire, all using the same form. There are further rolls for these counties in Sheriffs' Accounts 1/1, 1/12, 1/51, Court Rolls 153/7, and Exchequer Accounts 120/27. The earliest is for the year 42-3 Henry III. Cp. also the Lincolnshire series, L. T. R. Miscellaneous Rolls, Bdle. 5, nos. 44-59 of the period 43 Hen. III to 36 Hen. VI.

² A similar suggestion has been made with regard to the Exchequer and private forms of medieval tallies (*Archaeologia*, lxxiv. 321).

³ See also on this point the evidence as to the large number of writers concerned in drawing up assessments for taxation so early as 1225 (Jenkinson, *Palaeography and the Study of Court Hand*, Cambridge, 1915).

to the origin and earliest date of the use of written records in England.

5. Finally we have to suggest that there was an organization of the hundred in a manner as systematic,¹ in its degree, as the county ; and this must mean a great deal—how much it is at present difficult to say—to our conception of the way in which public administration touched the life of ordinary people.

We may end with the hope that, since most of the survivals that we have had to mention are casuals, more elaborate search in public² and (particularly) in private muniments may bring to light in the near future many more pieces to be fitted into a fascinating puzzle.

C. HILARY JENKINSON.

MABEL H. MILLS.

¹ A number of references to a class of records called *Responsa Balliuorum* (Roll of Writs, ms. 3, 3 d, 4, 8, 10 d) show the elaborate care with which replies from the hundreds to sheriff's writs were kept. The *Responsa* were probably files of the writs, with the bailiff's returns to them annexed or endorsed, but they may even have been registers or enrolments.

² Even while this article was in the press a fragment relating to the county of Berkshire in the reign of Edward III has been discovered. It is probably the return to a writ of *recordari facias loquelam* and will accordingly be added to the large section of Chancery Miscellanea (bundles 47 to 88) which is devoted to copies returned into that court from the records of others, public, local, and private. This large collection, we may remark, includes quite a considerable number of returns from county courts at various periods ; which, though they relate as a rule only to isolated cases, would almost certainly repay investigation.

We have also identified among the Court Rolls at the Public Record Office one (Court Rolls, 200/30) of 14 Henry IV, for Somerset, which is headed ' *Placita Comitatus* '. It should be noted, however, that this is little more than a roll of estreats (extracts in the financial interest) ; and the same remark applies with equal or greater force to others in the same class (153/7 ; 161/10 ; 181/37 ; 183/69, 70) which relate to county jurisdiction. Such documents stand midway between the *Particule Proficui* and the Plea Rolls.

Thomas Barret: A Study in the Secret History of the Interregnum

THE efficiency of the intelligence system established during the protectorate by John Thurloe was the admiration of his contemporaries and has been fully recognized by historians, though little has been said of his debt to his assistant, Samuel Morland, in the technical part of the work of censorship, through which so much of his intelligence was acquired. The secretary himself, however, was the organizer of the secret service; and, according to a contemporary,¹ his 'masterpiece' in this department was the corruption of Sir Richard Willys, who was convicted of treason in May 1660 on the evidence of several letters to Thurloe, signed 'Thomas Barret', but written in his hand. The case is one of great interest in the history of espionage, for Willys was virtually the head, in England, of the king's service against which he was shown to be working, and the value of the information he was able to give to Thurloe has never been disputed.

'This is the person who for a long time has been a deadly Viper in yr Majesty's bosome', wrote Samuel Morland to the king in July 1659, when he forwarded Barret's correspondence.²

He it is who has upon all occasions ript up the very bowells of your designs and exposed them to be torn and devoured. . . . In summe, I do verily believe that had it not been for him your Majesty might long since have been in your Throne. And an army of 2,000 men could never have don you so much service as that Judas has don you mischief.

A similar opinion has been expressed by Sir Charles Firth:

Thurloe's acquisition of such an agent made the position of the Protector's government secure. Henceforth any general Royalist rising was impossible. . . . He knew now with certainty how far it was safe to allow the conspirators to go, and against whom it was necessary to direct his blows.³

It must be confessed, however, that these descriptions are

¹ Burnet; who, however, attributes the masterpiece to Oliver Cromwell (*History of his Own Time* (ed. Ayr), i. 117).

² Clarendon MS. (Bodl. Lib.), lxii, fos. 188-9.

³ Firth, *Last Years of the Protectorate*, i. 31.

hardly justified by the existing Barret letters, which are eight in number and should therefore be enough to give an indication of the character of the correspondence.¹ It is true that they contain promises of further information if an interview be granted to the writer, but if this intelligence may be judged by what was written it was unreliable. The letters dated 15 and 18 November 1656 give information about the place and approximate time of landing, and the number of forces expected from abroad in support of a royalist rising;² but the time mentioned by Barret was 'before the end of December', and it is probable that at the date of his letter the invasion had been postponed on account of the capture of the Spanish fleet,³ while the details supplied in regard to Charles's forces were certainly false. His troops were not decreasing daily, but increasing;⁴ their strength was under-estimated if the number given were to be taken as including the promised Spanish contingent, and grossly over-estimated if it were not; and both horse and foot were enumerated, whereas the king in his memorandum to Caracena and Cardenas mentioned the fact that he was 'without any horse' as one of his reasons for the postponement.⁵

There is no point upon which contemporary authorities, from the king downwards, are more thoroughly agreed than Willys's ability to give correct details of any, or all, of the royalist plans; and in view of this fact the inaccuracy of Barret's statements seems to call for an explanation. The offer of stale or misleading information, by an agent anxious to get in touch with a secret service in order to work more effectually against it, is one of the oldest devices in the business of espionage, and since it affords a possible explanation of the unsatisfactory nature of Barret's earlier reports, there may have been truth in Willys's plea that when he formed a connexion with Thurloe he 'thought it would be acceptable' to the king.⁶ This raises a question as to the date at which he actually began to work for the protector, since Sir Charles Firth's conclusion that it was in the summer of 1656 seems to be based chiefly on the fact that the earliest of the

¹ Rawlinson MS. (Bodl. Lib.), A. xli, fo. 712; A. xliv, fos. 74, 75, 221, 306, 345, 407 (printed in *Thurloe's Papers*, v. 354, 559, 594, 602, 653, 657); State Papers. Dom. (Public Record Office), Interregnum, cxxxi. no. 32. One is signed P. M. and another M. G., but the usual signature is Barret, the name given by Morland as Willys's alias (Rawlinson MS. A. cdlxxvii, fo. 10).

² *Thurloe's Papers*, v. 594, 602.

³ In his memorandum of April 1657 to Caracena and Cardenas (Clarendon MS. liv, fo. 164) Charles stated that the postponement took place in December; but Monek had been informed of it as early as 18 October o.s. (*Thurloe's Papers*, v. 500) and the Sealed Knot ought to have been the first in England to learn of the king's change of plan.

⁴ Firth, 'Royalist and Cromwellian Armies in Flanders' (*Trans. Royal Hist. Soc.* xvii. 68).

⁵ Clarendon MS. liv, fo. 164.

⁶ *Ibid.* lxi, fo. 52.

existing Barret letters is endorsed with that date. Sir Charles indeed mentions as additional evidence Thurloe's 'Notes of a discourse with R. W.',¹ and an anonymous letter written from Brussels on 3 September 1656;² but except for Barret's correspondence he would probably not have given much weight to these documents, for neither is conclusive, and he seems to have had doubts about the Brussels letter.³ As it is clear from contemporary correspondence that neither 'Barret' nor Willys was in Brussels at that time, it may fairly be assumed that this letter was not written by Willys;⁴ and the interview with R. W. is hardly more satisfactory as evidence of his guilt. These initials were shared by Sir Robert Walsh, who was in London between March and November 1656, and afterwards admitted that he had had three or four interviews with the secretary.⁵ The internal evidence of the 'Discourse' is unfortunately not conclusive, but it may be observed that R. W. speaks throughout as if he had been obliged to collect his intelligence as best he could from various sources, including fellow prisoners,⁶ a position resembling that held by Walsh, who was distrusted by many royalists and had lately been in the Tower;⁷ whereas Willys, as the leader of the Sealed Knot, was at the fountain-head, and this fact was known to Thurloe as early as July 1655.⁸ Moreover, Walsh mentions an interview with Lord Broghill, which was interrupted by the spy Owen,⁹ who brought particulars of the forces raised by the king in Flanders;¹⁰ and similar details are entered separately on the same sheet of paper as the notes of the 'Discourse with R. W.'. Lastly, Walsh admitted having received £50 from Broghill, though he declared it was a private loan which he hoped some day to repay;¹¹ and the intelligence accounts for the autumn of 1656 contain a note of the payment of £100 to Broghill for Walsh and Blacader.¹² The first receipt for £50 enclosed by Broghill is signed P. Walsh,¹³ but as Sir Robert was a prisoner for debt in the Fleet,¹⁴ the money might well have been received for him by his son Pearce, or his brother who 'had always served the Parliament'.¹⁵ There is no reference to Willys in these accounts, either

¹ Rawlinson MS. A. xli, fo. 576.

² *Thurloe's Papers*, v. 344.

³ Firth, *Last Years of the Protectorate*, i. 31, n. 1.

⁴ *Thurloe's Papers*, v. 354; Clarendon MSS. lii. fo. 233; liii. fo. 194.

⁵ Clarendon MS. lvi, fo. 82; State Papers, Flanders (Public Record Office), xxxi, nos. 469, 471. It is perhaps worth noting that one of his letters to Thurloe is signed 'R. W.' (Rawlinson MS. A. xlv, fo. 24).

⁶ 'Grey in the Tower said this' (Rawlinson MS. A. xli, fo. 576).

⁷ State Papers, Flanders, xxxi, nos. 469, 471.

⁸ State Papers, Dom., Interregnum (Public Record Office), xcvi, no. 43.

⁹ This name seems to have been used by Thomas George, alias Georges d'Ouvilly (*Thurloe's Papers*, v. 533).

¹⁰ State Papers, Flanders, xxxi, *loc. cit.*

¹¹ *Ibid.* no. 469.

¹² State Papers, Dom., Interregnum, cliv, no. 230.

¹³ *Ibid.* no. 300.

¹⁴ Rawlinson MS. A. xlv, fo. 24.

¹⁵ Clarendon MS. liv, fo. 239.

by his own name or any of the aliases given by Barret, nor is there any receipt in his writing. These facts make it appear more probable that the R. W. of the 'Discourse' was Robert Walsh; and the evidence afforded by Thurloe's notes is therefore insufficient, without corroboration from other sources, to warrant the conclusion that Willys was working in the protector's interest in 1656, or even that he was in Thurloe's pay at all.

Such corroboration is hard to find. There are only two more intelligence papers among Thurloe's manuscripts which have been attributed to Willys. The first is a copy in his writing of a letter with a partially cancelled endorsement, 'H's lett^r to S^r R. W.',¹ which appears from the date to be that 'favour of the 15th', acknowledged by Willys in his note of 10/20 December 1657 to Hyde.² This, however, may have been a deciphered copy made by Willys for his own convenience and seized by the government at the time of his arrest after Ormonde's escape. The second document is a report in the secretary's own writing of a conversation between Mr. Grimes, 'one of the old King's servants', and Fairfax.³ The informer is not named in the printed version, and the attribution has no doubt been based on the following passage: 'This Grimes told to Ned Villiers, and he to S^r R. Willis, and said that nobody knew this but Colonel Legge.' The original document, however, is endorsed 'M^r Grymes his information about y^e L^d F.',⁴ and this suggests so strong a probability that the intelligence originated with Grymes himself that it would be unsafe to regard it as evidence against Willys.

Willys remained, until Morland's revelations, so completely trusted by his party that it is not surprising to find that his overt actions afforded little ground for suspicion. Sir Charles Firth has pointed out that in 1659 'by pretexts and postponements he prevented concerted action';⁵ but it is not clear that Willys, who after all represented the opinion of the majority,⁶ was more to blame for the divergence than the activist minority, or the king who, without formally superseding the Sealed Knot, added Mordaunt to the council,⁷ and encouraged other agents opposed to their views and less generally trusted by the cavaliers. The

¹ Rawlinson MS. A. lvi, fo. 55.

² Clarendon MS. liii, fo. 120. This letter, which is dated only with the day of the month, has been placed among the papers of December 1656, evidently by mistake. Cf. *ibid.* lvi, fo. 180.

³ *Thurloe's Papers*, vi. 706.

⁴ Rawlinson MS. A. lvi, fo. 302.

⁵ *Cambridge Modern History*, iv. 540.

⁶ 'Secure and safe counsellis find most adherents' (Mordaunt to the king, 10 April 1659: *Hist. MSS. Comm. Rept. X*, pt. vi, p. 191). 'As many of [the king's] party were too restless and too active, so there were more of them remiss and lazy' (Clarendon, *Great Rebellion*, xiv. 122).

⁷ *Clarendon State Papers*, iii. 486; *Hist. MSS. Comm. Rept. X*, pt. vi, p. 194.

descriptions given in the royalist correspondence of that summer hardly suggest that the postponement was unwise. The activists had neither ammunition to defend the places they proposed to surprise, nor arms enough for the infantry to make the attack, but depended for the arms upon the king, who had no money, and for the ammunition upon Bristol, which was not in their hands.¹ Support from the opposing army was to ensure their success; but the hopes founded upon the prevalent discontent were premature, and if the Sealed Knot were induced by Willys to expect from delays what Mordaunt proposed to gain by action,² there was reason enough for it to bring at least one modern historian to the same conclusion.³ In view of these facts and of the inconclusive nature of such direct evidence as the 'Discourse with R. W.' it is obvious that, if the exact date of Willys's defection from the king's cause is to be determined at all, it must be by a close examination of the intelligence accounts, his own admissions, and Morland's indictment.

It is unfortunate that the indictment, like so many others of this period, has not been entered on the controlment rolls, and that the only record of Willys's defence, besides the scattered references in royalist letters between November 1659 and the Restoration, is a series of notes taken apparently at the time of his examination at Breda.⁴ They are not in his own writing, or in the formal hand of his petition to have his pardon made unconditional (which has been annexed), and their marginal date is May 1660. As these notes have been described as his own detailed statement,⁵ it may be as well to point out that they are written in the third person, and that the text is sometimes obscure, if not actually corrupt; the mistakes being of the kind natural in a minute-taker. The first part, which consists of a brief account of Willys's movements from the summer of 1652 onwards, is, however, straightforward enough; and though the existence of Barret's letters may be held to throw a doubt on the implication that his first interview with the secretary took place in the spring of 1657, the rest of his statements, where they can be verified, are usually true, and none seems to be demonstrably false. The remainder of his defence deals with details in the accusation against him and was presumably made in reply to questions; from this, together with the narratives of contemporary writers, the several points of the indictment must be collected or inferred.

¹ *Hist. MSS. Comm. Rept. X*, pt. vi, p. 211; *Clarendon State Papers*, iii. 534.

² *Hist. MSS. Comm. Rept. X*, pt. vi, p. 213.

³ F. C. Montague, *Pol. Hist. of England, 1603-60*, p. 469.

⁴ *State Papers, Dom.*, Chas. II, xlvi, no. 195 (old no. 135 i); *Cal. of State Papers, Dom.*, 1661-2, p. 232. These notes have been transcribed by Mr. J. G. Muddiman, and printed in *Notes and Queries* (ser. 12), x. 123.

⁵ Burnet's *Hist. of his Own Time*, edited by O. Airy, i. 117, n. 2.

The charges are thus summarized by Clarendon in his *History of the Great Rebellion* : ¹

(i) That he had received a large pension from Cromwell, and continually gave Thurloe intelligence of all that he knew ; but that it was with so great circumspection that he was never seen in his presence :

(ii) That in his contract he had promised to make such discoveries as should prevent any danger to the State ; but that he would never endanger any man's life, nor be produced to give in evidence against any :

(iii) And that he had discovered the marquis of Ormonde's being in London the previous year, but could not be induced to discover where his lodging was.

Willys himself always denied his betrayal of the marquis ; and before he knew that it formed part of the indictment he offered Ormonde's escape as a proof of his continued loyalty,² but ' the King ', Carte tells us, ' would not admit this plea, having demonstrative evidence of sir Richard's treachery '. This evidence, as we know from Clarendon, was Barret's correspondence,³ but though Carte seems thus to imply that it contained information of Ormonde's presence in town, it is fairly clear that the letters did not touch upon his visit. Clarendon refers this charge of betrayal solely to Morland's statement, and he had obviously seen no written evidence in support of it, since the only reason he gives for belief is the secrecy observed about Ormonde's mission : ' How could it have been known to Cromwell that that person had been trusted by the Marquis, if he had not discovered it himself ? ' ⁴

The answer to this question, however, is easier than Clarendon believed : Manning had informed Thurloe that Willys was a member of the secret council in London to whom the king had entrusted the management of his affairs in England,⁵ and the government had therefore every reason to suppose that that person would have been trusted by Ormonde. In view of this knowledge it is incredible that Thurloe would have been satisfied with less than the best information from him ; yet the truth of Willys's statement that he had refused under examination to give Ormonde's address ⁶ is acknowledged by all the authorities, and Morland himself was evidently unable to deny it. He, indeed, declared that Thurloe's first knowledge of Ormonde's mission came from Willys, but the value of this assertion depends entirely upon the credibility of the witness, for there is no other evidence of it. Thurloe, in a letter to Henry Cromwell dated 19 February, stated

¹ Bk. xvi. 28.

² *Clarendon State Papers*, iii. 616.

³ *Great Rebellion*, xvi. 30.

⁴ *Ibid.* p. 29.

⁵ *State Papers, Dom., Interregnum*, xcvi. no. 43 ; *Cal. of State Papers, Dom., 1655*, p. 212.

⁶ *State Papers, Dom., Chas. II*, xlviii. no. 195.

that 'Ormonde was in this towne some dayes very lately. . . . I got knowledge of his business, but could not come at his person.' ¹

This, however, would be equally true if he had received the information, as Willys implied, from some one who had not been trusted with the address; and that there was plenty of opportunity for this kind of leakage is shown by Carte, who says that the marquis discovered himself to about eight inferior persons before he saw such as were more relied on by his majesty.² Wildman had also heard something of Ormonde's movements, for he told Thurloe in a letter dated 25 February that the marquis 'went away discontented on monday' 8/18 February.³ Clearly, then, the information about his arrival may well have reached the secretary from more sources than one; and the fact that Willys, knowing Ormonde's lodgings and the places where he had arranged to meet those whom the king most trusted,⁴ withheld information which would have enabled Thurloe to seize not only Ormonde but the royalist leaders in England, is enough to suggest that he was not yet acting in the protector's interest.

This suggestion is borne out by the facts that he was subsequently committed to close imprisonment in the Tower for more than three months,⁵ and in May 1658 his name was included in the list of those to be tried for treason.⁶ According to his own account he escaped through lack of evidence, in spite of 'promises made' by the government in order to obtain a witness; and his assertion receives some support from Howard's statement that the officers of St. James's, 'by direction no doubt from Thurloe', had assured him of his liberty if he would 'discover' Willys and Compton.⁷ It is probable that the narrowness of his escape shook Willys's nerve, for his health seems to have suffered much from his imprisonments;⁸ on 13/23 August he sent a message by Brodrick, begging that affairs might cool before any further letters were addressed to him;⁹ and for more than a year, according to Hyde, his communications with the court in exile were absolutely cut off.¹⁰ This extreme reluctance to correspond with head-

¹ *Thurloe's Papers*, vi. 806.

² *Life of Ormond*, iii. 661.

³ Rawlinson MS. A. xlvii, fo. 281.

⁴ Carte, *Life of Ormond*, loc. cit.; Clarendon, *Life by Himself* (ed. 1759), i. 16-17.

⁵ State Papers, Dom., Interregnum: Council of State, I. 78, fo. 604; Chas. II, xlviii. 195; *Hist. MSS. Comm. Rept. V*, pt. i. p. 145.

⁶ State Papers, Dom., Interregnum: Council of State, I. 78, fo. 604; *Thurloe's Papers*, vii. 144.

⁷ *Clarendon State Papers*, iii. 407-9.

⁸ Clarendon MSS. li, fo. 275; lii, fo. 69; lvii, fo. 208.

⁹ *Clarendon State Papers*, iii. 406.

¹⁰ *Hist. MSS. Comm. Rept. X*, pt. vi, p. 194; *Clarendon State Papers*, iii. 486. He seems, however, to have sent messages by Honywood in 1658 declining to undertake an immediate attempt for Monck's conversion (Clarendon MS. lix, fos. 72, 123), and, in June 1659, expressing his loyalty and defending his caution (*Clarendon State Papers*, iii. 405).

quarters suggests very little zeal to obtain information for Thurloe, but may fairly be taken to indicate a weariness upon which the secretary might work. The calendar of Willys's defence states that he did not enter Thurloe's service until he had undergone several imprisonments.

It must be noted, however, that this statement is only made by the calendarer of the Domestic State Papers, whose anxiety to explain the situation led her inadvertently to represent Willys as making that confession which he was always careful to avoid.¹ 'There is nothing more false than that ever there was any such offer made him', he declared vehemently at his examination, when questioned about Thurloe's bid for his intelligence; and even when he begged to be included in the indemnity, he made a point of insisting that 'it is no diminution of the clearest vertu to ask a pardon of God or the King',² and that he did not intend thereby 'either to avow or persist in any error'.³ He would not, however, deny that 'at the end of 1656 or the beginning of 1657' (old style) he had made an informal agreement with Thurloe. The secretary, he alleged, had intercepted several royalist letters, including some from Brodrick,⁴ and examined him on their contents:

it being visible that one of the feigned names therein specified could mean no other person but himself. Having thus shown him the danger of his condition, and spread his net over him, he began to say it was not his intention to destroy him, . . . and that . . . the royal party should speed the better for him,

if Willys would be instrumental in his reconciliation with the king 'when time should serve', and in the meantime would swear to divulge the bargain between them to none until he should give him power.⁵ This was the only 'contract' that Willys ever acknowledged, and he was 'very confident' that Thurloe had tried to fulfil his part of the bargain, 'preventing many from, and delivering others out of, restraint': a plea which probably confirmed his examiners in their opinion that there had been more between the two men than had met the eye.

By the spring of 1657 the stability of the government clearly depended on the life of the protector⁶ (whose health had already

¹ *Cal. of State Papers, Dom.*, 1661-2, p. 232: cf. *State Papers, Dom.*, Chas. II, xlviii, no. 195. The old number 131 is given in the calendar.

² Egerton MS. (Brit. Mus.) 2549, fo. 24.

³ Clarendon MS. lxxii, fo. 286.

⁴ Brodrick informed Hyde in January 1657 that 'if you use the Jargon without y^e Cipher you may send by the common packet though Thurloe be now postmaster' (Clarendon MS. liii, fo. 234), but in the following June he reported the miscarriage of former letters, and promised greater prudence 'save when . . . an urgent affair administer y^e occasion' (*ibid.* lv, fo. 109).

⁵ *State Papers, Dom.*, Chas. II, xlviii, no. 195.

⁶ *Thurloe's Papers*, v. 488 Clarendon MS. liii, fo. 235.

given cause for anxiety), and Thurloe favoured a lenient policy to royalists¹ and knew from Manning that Willys was particularly trusted by the king; but it is scarcely credible that so devoted a friend of Cromwell should have had any other motive than that of securing a base for negotiations to be used for the protector's service at any time of crisis, and though it is possible that his pretext was plausible enough to satisfy a man who did not know him, it is not easy to believe that one of Willys's ability would have failed to perceive this danger. Willys, however, had received a special secret commission to treat with any of the king's enemies if expedient,² and it was therefore his duty to accept the risk if he believed the potential advantage would counterbalance it. But for his statement that he acted also under a sense of his own danger,³ his defence would have been flawless.

This motive was probably the last which his contemporaries would have ascribed to him, but he seems to have been subject to ague, and it was barely a year since he had been freed from a close imprisonment in the Fen country which left him 'in a languishing and sickly condition' for months after his release.⁴ Even a man who had shown himself 'brave beyond expression'⁵ and 'of undaunted resolution' in disaster and retreat⁶ might have quailed at the prospect of repeating such an experience and have rushed for the opening for escape which was given him. His admission that he had no rest from Thurloe's importunity for Ormonde's address till he defied him certainly implies that his refusal was not immediate, but this may have been in order to gain time to warn Ormonde. The value of his version of the contract, like that of the accepted story, depends entirely upon the credibility of one witness;⁷ but it may be noted that, if Willys broke off the connexion when he was cornered about Ormonde's address, the severity of his imprisonment in the spring and summer of 1658, and the cessation of the correspondence so early in the course of his alleged intrigue, need no further explanation.

In this connexion Sir Charles Firth has suggested that 'Willys usually preferred to communicate his information by word of mouth at some appointed rendezvous',⁸ and his suggestion receives support from a statement in the notice of Willys's treachery, which was posted at the Exchange in 1659, that he sent letters

¹ *Thurloe's Papers*, vii. 218.

² Clarendon MSS. liv, fo. 243; lxix, fo. 62.

³ State Papers, Dom., Cha. II, xlviii, no. 195.

⁴ Clarendon MSS. xlviii, fo. 328; xlix, fo. 80; li, fo. 275; lii, fo. 69; lvii, fo. 208.

⁵ *Clarendon State Papers*, iii. 584.

⁶ *Portland MSS.* (Hist. MSS. Comm.), i. 84.

⁷ Thurloe is said to have given evidence to the same effect (Clarendon MS. lxx, fo. 85 d), but his letter is missing, if it ever existed.

⁸ *Last Years of the Protectorate*, i. 31.

'when tyme would not permitt a randevouse'.¹ Thurloe, however, is said to have been chary of granting interviews;² and though he might well have made an exception for so important an agent, it must be admitted that in spite of his custom of taking notes of verbal intelligence, his papers contain no trace (beyond the doubtful 'Discourse with R. W.' and information about Fairfax) of any that came from Willys, no evidence (except an undated note from Morland relating to an appointment with a Mr. Barrett)³ of any secret interview between them, and no receipt from Willys for intelligence money. Moreover, the suggestion in the poster, that only intelligence of immediate value was written, is at variance with Barret's letters, which imply that writing was the usual form of communication.⁴ If these letters are forgeries, as Willys declared, the case against him fails; but as long as their authenticity remains unquestioned they must be regarded as the best evidence of the means of communication between him and Thurloe, and the best material for forming an estimate of the value of his information. What they enable us to say of the connexion is, that in 1656 Willys sent Thurloe by letter a certain amount of worthless information; and Thurloe apparently valued it at its worth, for in spite of Barret's assertions about '6,000 men and the Duke of York with Wilmot, Bristow etc., and 100 horse',⁵ he informed Henry Cromwell on 9/19 December that 'the strength C. Stewart's partie hath in Flanders is about 1,200 men'.⁶

Morland's credibility as a witness must be good indeed before it will be safe to use his statement as a base for the belief that Cromwell, or his secretary of state, was extravagant enough to pay a large pension to an agent who (though known to be capable of getting the best intelligence)⁷ supplied him with false information in 1656, aided or at least connived at Ormonde's escape in February 1658, cut off his correspondence with Hyde in the following August, and 'was most strongly suspected by Thurloe' of acting in the king's interest in 1659.⁸ Nor is this the only corollary to be considered, since on the received hypothesis Willys's behaviour was scarcely less extraordinary than Thurloe's. There has never been any doubt that his inducement to treachery was money: according to Morland he not only complained that 'Charls Steward can give nothing to the Royalists but leave to runne mad when they please', but 'wept most bitterly, ye —

¹ *Nicholas Papers* (Camden Soc.), iv. 169.

² Rawlinson MS. A. ccccxxvii. 13.

³ *Ibid.* A. xxii. 279.

⁴ A request for an interview is made on the pretext that 'the gentleman being sick to whom I send your letters, one miscarriage might undoe all' (*Thurloe's Papers*, v. 354).

⁵ *Thurloe's Papers*, v. 594.

⁶ *Ibid.* p. 694.

⁷ *State Papers, Dom.*, Interregnum, xcvi, no. 43.

⁸ Echard, *History of England*, p. 728.

teares of the Crocadile, that so hee might move pity, to get his arrears of £500' from Thurloe, after his usefulness had been destroyed.¹ This is not, perhaps, quite the attitude which might have been expected from a man who had long been accustomed to poverty and shown himself 'too great-hearted' to ask help from his friends ;² but in spite of the difficulty of recognizing in Morland's exuberant portrait the reserved and stately Willys of other contemporary descriptions,³ the story has remained unquestioned.

In 1659 according to the accepted theory, 'Willis had been for three years a traitor'.⁴ He had sold his honour and betrayed his best friends⁵ because he could no longer face the discomforts of poverty, and yet for three years he continued to live the same uncomfortable life ; 'reduced to exigencies for petty sums', when he was making £1,200 a year, and denying himself every luxury except a few good clothes ('which were managed with such dexterity . . . that it was a more thrifty ostentation than can be imagined by any that saw it not')⁶ until he had secured 'a pritty fortune by marriage',⁷ to act as cover to his ill-gotten gains.

Such an example of self-restraint would be enough in itself to justify Willys's reputation for prudence ; but on the whole both his conduct and Thurloe's would seem to be more plausibly explained on the hypothesis that the connexion formed between them in 1657 was in abeyance, and that it was only in July 1659, when he found his advice set aside for the counsels of the activist party, that Willys offered himself to Thurloe ; not so much for money (since by that time his marriage to Alice Fox had taken place) as out of a sense of injury. The only note in the intelligence accounts of a payment to 'M^r Barret' was entered on or after 30 June 1659 ;⁸ it is for £60 'paid by M^r Secretary's own hands',⁹ and a warrant for the payment of this sum for intelligence may be found in the Council of State's Order Book on 12 August, with a subsequent note to the effect that the money was delivered

¹ Clarendon MS. lxi, fo. 270 a. The dash is Morland's, whose refinement forbade the use of the only adjective which seemed fitting, though he can hardly have supposed that the king would be shocked by it.

² Hyde to Mordaunt, 9 May 1659 (*Clarendon State Papers*, iii. 463).

³ Thomasson Tracts (Brit. Mus.) E. 311, no. 27 ; Echard, *History of England*, p. 727 ; Clarendon MS. lxi, fo. 296.

⁴ Firth, *Last Years of the Protectorate*, i. 30.

⁵ Colonel John Russell ('Discourse with R. W.', Rawlinson MS. A. xli, fo. 576) and Colonel Honeywood (State Papers, Dom., Interregnum, cxxxi, no. 32).

⁶ *Clarendon State Papers*, iii. 562.

⁷ Clarendon MS. lxiv. 319.

⁸ *Thurloe's Papers*, vii. 787. The account runs to 29 September, but the later entries are not dated.

⁹ *Ibid.* The statement that it was paid by the secretary has been inserted later, apparently by Thurloe (Rawlinson MS. A. lxvi, fo. 158), but seems to mean that he himself, not Scot, had handed over the money (*ibid.*).

to Mr. Scot on the 16th.¹ On 3 July Willys had been 'posted' among the royalists as false to his trust; ² and on the 19th Morland for the first time forwarded to the king information addressed to Thurloe in his writing.³

There can be no doubt that Willys and Thurloe were in communication throughout the winter of 1659-60, but by that time the connexion between them seems to have been of a different character; though the fact that Willys did not inform the king beforehand of these negotiations has a most damaging appearance, as he himself admitted, and Hyde wrote scornfully of it to Brodrick, on 27 March 1660, as showing 'how men of witt when they become ill loose their witts too'.⁴

Hyde's judgement had been determined previously by his knowledge of Barret's letters, but it is for a more detached historian to observe that the case he held up to ridicule was not that put forward by Willys, who had not lost his wits so completely as to suggest that Thurloe had been a traitor to Cromwell. His first statement after learning the charge against him, that when he formed the connexion he 'thought it would be acceptable',⁵ implies that he believed at first that Thurloe might be corruptible, but (as he afterwards declared) he did not then know him, and the notes taken in May 1660 make it clear that, though the agreement was concluded in 1657, it did not take effect until the secretary 'saw visibly that the King could no longer be kept out'.⁶ It was not until May 1659 (that is, after the fall of Richard Cromwell) that he sent to remind Willys of his former promise. This negotiation apparently proved abortive, Thurloe deciding to combine with Morland (who had joined the republican service) against the royalists; but it was revived in the autumn by Willys, who, disgraced and boycotted, sought out Thurloe in the hope (as he asserted) of obtaining a release from his promise of secrecy, and continued it in the expectation of serving the king: ⁷ the conversion of the ex-secretary seeming more feasible since it had become clear that there was no possibility of Richard Cromwell's restoration and very little that the existing government would be able to cope with its task. The indiscretion which Willys admitted was not that of 'carrying on such an intrigue so many years

¹ State Papers, Dom., Interregnum: Council of State's Warrants, I. 79, fo. 6.

² The poster was dated 3 June 1659, and this date is given in the notes of Willys's defence (State Papers, Dom., Chas. II, xlvi, no. 195) and in Morland's letter exonerating him (Echard, *History of England*, p. 729); but it is clear from the letters in Clarendon MS. lxii, fo. 188, *Clarendon State Papers*, iii. 518, and *Nicholas Papers*, iv. 169, that 3 July was the actual date.

³ Clarendon MS. lxii. 189.

⁴ Rawlinson MS. A. lxxvii, fo. 226: printed in *Thurloe's Papers*, vii. 858, the personal names being left in cipher.

⁵ Clarendon MS. lxix, fo. 52.

⁶ State Papers, Dom., Chas. II, xlvi, no. 195.

⁷ Clarendon MS. lxix, fo. 52.

without informing the King', but that of 'pursuing any thing of that nature without a witness' in 1659,¹ when he knew himself suspected; and his reference to his 'former correspondence' with Thurloe² shows that he regarded the transactions as distinct, and connected only by the promise of secrecy that (according to his own account) he still considered binding in spite of the rebuff he had received in May.³ His delay in informing the king may be explained by the circumstances: he had no cipher of his own in which to write, as he had settled no correspondence with the exiles since his arrest in 1658,⁴ when his cipher had been taken; ⁵ his disgrace after Booth's Rising made it impossible to borrow another; and he could not leave a letter with any of his friends to be put into cipher or send a sufficient message until he had Thurloe's leave 'to free himself from that promise'.⁶ He seems to have come to London for this purpose early in the autumn, and on 3 December he intimated through Colonel Edward Villiers (who told Hyde this was 'the third time of my troubling you in this kind') that there was 'a considerable Person he doubts not but to prevail with to serve the King, if he might have power to give him encouragement'.⁷ At the beginning of February a second report from Villiers, which had been long delayed in the expectation that the king would give him leave to come over himself, explained that Thurloe was the person intended, and that Willys desired permission to continue the negotiations as he thought that Thurloe's influence might be useful in securing Monck.⁸ Villiers, on his own account, urged that, 'as I humbly conceive the party he treats with is the considerablest of any here for parts . . . I could wish you gave Willys power to make him some promise of preferment'. No objection was made to the negotiations,⁹ but the desired power was not sent. Villiers wrote again, on 2 March 1660, pressing for it on the ground that Willys was 'att some stopp' for lack of the power to make particular promises, 'to which point he hath brought the business upon the assurance I gave that such a thing will come'.¹⁰ Villiers, however, had been over-sanguine, for Morland was working hard against him. 'Thurloe', he wrote, 'is semper eadem',¹¹ and 'the changes of late with the busines of Willis has . . . much hindered Gibs from his serving the King and Lord Chancelor as he heartily desires'.¹² His representations proved successful; Honywood,

¹ Clarendon MSS. lxxi. fo. 177.

² *Ibid.* Willys used the word 'correspondence' to denote intercourse, not necessarily by letter (cf. his letter of 12 March 1658 in Clarendon MS. lvii. fo. 219).

³ *Ibid.* lxix. fo. 52.

⁴ *Clarendon State Papers*, iii. 486.

⁵ State Papers, Dom., Chas. II, xlviii. no. 195.

⁶ Clarendon MS. lxix. fo. 52.

⁷ *Ibid.* lxvii. fo. 149.

⁸ *Ibid.* lxix. fo. 52.

⁹ *Ibid.* lxxi. fo. 61.

¹⁰ *Ibid.* lxx. fo. 66.

¹¹ *Ibid.* fo. 166.

¹² *Ibid.* fo. 85. 'Gibs' was an alias that he used in his correspondence with Hyde.

who had carried Villiers's letter to the king, returned at the end of the month 'with no other but this verbal answer that, if Thurloe takes the King's service to heart and appears fully for him, much may be believed of Willys his good intention'.¹ It is not surprising that the negotiations ended a few days later in Thurloe's making his offer of service through another medium;² but there is the less reason to believe that the business was other than an attempt on Willys's part to convert the ex-secretary to the royal cause. The time during which he acted fully in the republican interest may therefore not unreasonably be reduced to the period between June and October 1659.

The chief difficulty in accepting this theory lies in Morland's assertion that Willys had previously entered into a plot against the life of Charles II.³ Echard states that the following account of the reasons for the denunciation of Willys in the summer of 1659 came from Morland's own mouth:

While the King and his two brothers were in Flanders, it was concerted between the protector, secretary Thurloe and sir R. Willis to send over proper messengers thither to invite the King to come over in a single ship, with only his two brothers and a very few more, to a certain point in Sussex⁴ upon an appointed fixed day, where they were promised to be received and supported, . . . though at the same time the real design and resolution was to shoot all the three brothers dead at their first landing. The whole matter being thus formed by this triumvirate in Mr Thurloe's own office was unexpectedly overheard by Mr Moreland, who all this time counterfeited himself to be fast asleep.⁵

That conspirators with ordinary common sense should have taken no precautions to clear the room before they entered upon business of so private a nature seems unusual, but it must be obvious that a conference of this kind could only take place at dead of night; and if this be taken into account the accident will not appear more surprising than the fact that Willys was the only one of the three conspirators whom Morland could be sure of having recognized: in his own 'Narrative of services don to ye Crown' he names the other two as 'Sir H. Vane and Mr Scott'.⁶ The difference between this account and that given to Echard is, however, partially reconciled in Morland's letter to Dr. Tenison,⁷

¹ *Thurloe's Papers*, vii. 858.

² *Ibid.* p. 897.

³ Lambeth MS. 931, no. 1.

⁴ Burnet, in giving his account of this plot, wrote 'Norfolk', which his original editors altered to 'Sussex' (*Own Time* (ed. Airy), i. 118), but Morland told Tenison that the landing was to be made in Kent (Lambeth MS. 931, no. 1), and this seems by the *Memoirs of James II* to be correct; the plan for Norfolk being suggested earlier (*Clarendon State Papers*, iii. 473, 537), and that for Sussex (Rye) in the interval between the news of the Kentish failure and that of Sir George Booth's defeat (*Memoirs of James II*, i. 377).

⁵ Echard, *History of England* (ed. 1720), p. 729.

⁶ Brit. Mus., Add. MS. 28094, fo. 10.

⁷ Lambeth MS. 931, no. 1.

from which it appears that this design against the king's life was originally formed 'a year before Cromwell's death', and 'was carried on by Sr Rich: Willis (whom Ch: 2 trusted with all his Affairs in England)' until the eve of Booth's Rising.

At w^{ch} time Sr Rich: Willis, by y^e appoyntment of Secretary Scott and one person more (Thurlo being now out of employm^t) . . . advised and pressed Ch: 2 wth all diligence to come [to Westenhanger in Kent] . . . for the better encouragem^t of those who should rise in Arms for his Restauration.

To this proposition y^e King readily consented, and y^e day . . . was appoynted, . . . notice thereof being given to Scott by s^r R. Willis.¹

Morland's statement thus included the accusation that Willys had not merely betrayed the time and place of the king's proposed landing, but had done his best to draw him into the trap. The invitation described was sent to the king by the royalists in 1659; but in order to establish Morland's charge it must be proved that the invitation was sent by Willys's advice, and it is at this point that his story breaks down: 'Sir R. Willis desires me to say he is absolutely against the King's coming without a considerable force, or the war be first begun on a good foundation' (Brodrick to Hyde, 16 July 1659).² There is, however, an incident that is not without interest in connexion with this charge. In July 1659 Willys was 'troubled' at hearing of a rumour that he and his friends had invited the king, and that Mordaunt (during his visit to the court in June) had 'fallen on his knees and diverted the hazard'.³ This report was so wildly opposed not merely to the truth, but to Willys's established reputation for caution and a fairly general opinion of Mordaunt's rashness, as to suggest that some person was interested in making Sir Richard appear responsible for the invitation. It is therefore worth noting that the story was first heard by Russell, who had friends in the Presbyterian party, with which Morland was in secret communication;⁴ and that Willys asserted in May 1660 that during the previous summer Morland had tried to persuade him to act as intermediary between the royalists and the protector's party in a treaty, by which the king should be invited over to the surprise of a port: a request which he seems to have refused out of fear that it was 'a trap to catch the undertakers'.⁵

Efforts to mislead judgement by the previous creation of evidence or dissemination of rumours are common enough to make it advisable to examine the inducements of the accuser to

¹ Lambeth MS. 931, no. 1. Morland's narratives have been printed in Willcock's *Life of Sir Henry Vane the Younger*, appendix, pp. 367, 370, 378.

² *Clarendon State Papers*, iii. 526.

³ *Ibid.*

⁴ The connexion with Mordaunt and Massey mentioned by Morland, in his letter of 3 August, as existing before Massey's arrest, was probably genuine, as both were known correspondents with Charles II's court (Clarendon MS. lxiii, fo. 105).

⁵ *State Papers, Dom., Chas. II*, xlvi, no. 195.

prefer the charge ; especially when part of his story is unquestionably false, and the alleged motive of the accused had ceased to exist. Willys explained the preferment of the charge against him in 1659 on a double ground : the government, by whom Morland was then employed, had determined to thwart the royalist schemes ' by throwing a suspicion among the Party ' ; and Morland himself felt that in the event of a restoration he ' must find some way to appease the King for an unpardonable Epistle he had printed to his booke of his Journey into Piedmont '.¹ Both these birds could be killed with the one stone of denouncing Willys ; for Morland could claim, if the republican party triumphed, that he had distracted the royalists on the eve of the rising, but if the king were restored, that he had revealed a dangerous treachery. This opportunity for self-preservation in either event would be sufficient inducement to institute the charge, provided Morland was the kind of man to be actuated by such a motive and felt sure of his ability to carry out the scheme.

Admiral Montague, who must have known him fairly well (if we can accept Morland's statement that he had ' been acquainted most intimately with the man for at least these 7 or 8 years '),² seems to have had a low opinion of him ;³ and Pepys, his pupil at Cambridge, writes of him with very little respect ;⁴ but Clarendon calls him ' a person of merit ' in the *History of the Rebellion*,⁵ and in a letter written to Rumbold on 17 October 1659 he expressed regret that Willys should not be told the name of his accuser, the informer being ' so worthy of trust '.⁶ This eulogy is probably to be taken as referring to Morland's political merit rather than his moral qualities ; but even so, his declarations to Thurloe before the Restoration⁷ and to Pepys after it⁸ suggest that his changes of opinion, however sincere, were more sudden and complete than is usually consistent with political trustworthiness, and may even have given some appearance of that instinct for self-preservation which Willys ascribed to him. Clarendon, however, has stated another reason for his trust than Morland's worthiness : ' This intelligence could not be sent with a hope of getting money, for the present condition of him who sent it was so good that he expected no reward till the King should be enabled to give it ; ' ⁹ and his statement is supported by the first authority.

This was a time when I lived in greater plenty than ever I Did since y^e

¹ State Papers, Dom., Chas. II, xlvi, no. 195. This was the Epistle Dedicatory to the protector, prefacing the *History of the Protestant Churches in the Valley of Piedmont*.

² Clarendon MS. lxi, fo. 195.

³ Pepys, *Diary*, 15 May 1660.

⁴ *Ibid.* 14 August 1660, 13 August 1663, 23 November and 11 December 1664.

⁵ *Great Rebellion*, xvi. 32.

⁶ *Clarendon State Papers*, iii. 582.

⁷ *Thurloe's Papers*, vii. 367, 470.

⁸ Pepys, *Diary*, 14 August 1660.

⁹ *Great Rebellion*, xvi. 29.

King's Restauration, having a house well Furnisht, a sufficient number of servants and attendants, a very good Coach and horses in my stables, A Revenue of above a Thous^d p^d p. An. to mainteyn it and several Hundreds of p^{ds} of ready money by me: And a beautiful young woman to my wife for a companion. Now y^e giving myself up to serve y^e King was not onely to hazard all this, but to live in dayly expectation of being taken out of my bed or house and drag'd to y^e tormentors, and *there had my flesh pull'd off my bones with red hot pincers*, these were Thurloe's own expressions how they had dealt with mee had they in y^e least suspected me. . . . Whosoever shall seriously consider the foregoing observations will hardly believe that any Self-ends (though possibly they might, by y^e pravity of man's nature and y^e subtilty of y^e Divel, bee injected into y^e Fancy) could possibly outwey the considerations of duty and conscience in such an undertaking as this of mine in y^e blackest and worst of times.¹

A letter written to Thurloe shortly after the fall of Richard Cromwell may be compared with this account.

Sir,

I lately acquainted your honour with my present condition, which I am wholly ashamed to repeat, for it is really sad and deplorable. I humbly beseech you, if I have found anie favour in your eyes, to assist me with some speedy relief as to moneyes . . . which I never should have mentioned had not necessity compelled me, being left to the wide world without a penny of present income and being not perfectly out of debt neither. I most humbly and earnestly beg your honour to take into your present consideration my condition and to assist me with an hundred pounds so that I may support my selfe, while I am solliciting for some employment under this new government, although I much feare and am informed by some knowing persons that the greatest obstacle in my way is that I have been so diligent and faithfull a servant of yours. . . . Truly, Sir, I must suddainly bee brought under great distractions and afflictions except God touch your heart to give a speedy and effectual answer to this humble request of

Your most obedient and most humble servant,

Wednesday noon 17 May 1659.

S. Morland.²

From this it would appear that, if the yearly revenue of above £1,000, which Morland stated he was enjoying within a fortnight after the date of this letter,³ was not a later injection into his fancy, it must have been derived from the office which he obtained under the new government.⁴ He himself told Echard that he had

¹ Lambeth MS. 931, no. 1. The italics are underlined in the original.

² *Thurloe's Papers*, vii. 672.

³ The king's first letter to Morland was dated 2/12 June 1659 (Clarendon MS. lxii, fo. 188), so that Morland must have approached him before the end of May, o.s.

⁴ The writer of an unsigned letter endorsed 'Mr G. Paul' claims to have discovered Willys's treachery and supplied Morland's expenses for his denunciation (*Clarke Papers*, iv. 304): but his evidence is negligible, as he wrote after Willys's condemnation in the hope of reward, and his claim to have invented the cipher in which Morland wrote to the king is incredible in view of the fact that Sir Samuel's reputation as an expert in cipher survived many years afterwards (*Memoirs of Sir W. Temple*, i. 190).

procured Henshaw's release by 'pretending some secret service',¹ and had given him and another messenger £100 apiece for their expenses; and this assertion is not invalidated by Scott's confession that Henshaw had been sent over by the government to procure information about the royalist plans,² or by the payment of £100 apiece to two agents 'returned beyond the seas for intelligence';³ for these stories are compatible on the hypothesis, put forward by the victim, that Morland denounced Willys with the consent, or by the direction, of the authorities.⁴ The fact that Henshaw 'did not look for the charges of his journey', so far from being the guarantee of good faith which Clarendon supposed,⁵ might well have been regarded as a ground for suspicion.

Such suspicions, if they occurred to the exiles, seem to have been disarmed by the remainder of Morland's intelligence. 'All the other informations and advices that were sent . . . were very important', and his offers of service in the future 'were of that consequence that they could not be over-valued'.⁶ Nevertheless, the fact that he and his messenger were both in the government's service raises a doubt whether the information he gave to the king was as valuable as it seemed. He had known for years that Corker was one of Thurloe's agents,⁷ but he did not denounce him until he had himself received a letter from the king and could feel reasonably certain of being able to supply Corker's place.⁸ On 19 July 1659 he dispatched a messenger to the king to denounce Willys for betraying Massey's hiding-place,⁹ yet he gave Massey no warning definite enough to induce him to change it before his arrest on the 31st.¹⁰ His denunciation of Willys seems to have been regarded as his greatest service, but whether or not the denunciation was intended to wreck the royalist plans by aggravating the dissension in the party, there can be no doubt that it had that effect.¹¹ The information that Admiral Montague was 'very

¹ Echard, *History*, p. 729. Henshaw was certainly in the Tower as late as 24 February 1659 (*Thurloe's Papers*, vii. 622).

² State Papers, Dom., Chas. II, cdxlv, no. 59; printed *ante*, xii. 122.

³ *Thurloe's Papers*, vii. 787. The receipts are missing.

⁴ State Papers, Dom., Chas. II, xlviii, no. 195.

⁵ *Great Rebellion*, xvi. 29.

⁶ *Ibid.*

⁷ This is clear from the letters of both Morland and Corker (Rawlinson MS. A. xl, fo. 163; xlviii, fo. 135; xlix, fos. 239-46, 275; lii, fos. 163-6; lviii, fo. 3; lxi, fos. 64, 69).

⁸ The letter denouncing Corker is undated, but the king received it with Morland's letter of 17/27 June (Clarendon MS. lxi, fo. 383). The king's letter of 2/12 June reached Morland on the 16/6 or possibly (as the style is not stated in Morland's letter of acknowledgement) 16/26 June.

⁹ One of Barret's letters is said to have contained this information (*Great Rebellion*, xvi. 31), and Morland's covering letter is dated 19 July 1659 o.s. (Clarendon MS. lxii, fo. 188).

¹⁰ Massey was taken at Mr. Veale's house, which had been his head-quarters for more than two months (*Clarke Papers*, iv. 33; *Nicholas Papers*, iv. 158).

¹¹ *Nicholas Papers*, iv. 169; Clarendon MS. lxx, fo. 35; Clarendon, *Life by Himself* (ed. 1759), ii. 19.

deeply discontented' with the republic and might with tact be converted to the king's cause was stultified by Morland's vehement and repeated warning that the insurrection must not, upon any account, be postponed beyond 1 August ;¹ for the result of the royalist mission to the admiral was only to bring him home too late for the rising and without orders from the government, a circumstance which provided an excellent excuse for enforcing his retirement. In fact, however valuable Morland's advices appear at first sight, they were dogged by a curious fatality.

The confidence placed by the chancellor in his information was equally ill-judged, though in some respects it was not unnatural. Morland 'had a part in the office of secrecy',² and payments to the agents frequently passed through his hands ;³ it was therefore to be expected that his knowledge on these points would be exact. His assertions, however, seem to have been regulated by the degree of credulity in his hearers. At the time of the Restoration the party in power had exaggerated ideas of the amount Thurloe had spent on intelligence, and the statements that he had paid Willys £1,200 a year and £1,000 at one time aroused no scepticism ; but Thurloe's total expenditure rarely, if ever, amounted to £3,000 a year, and considerable details of this expenditure are recorded. There are sundry receipts from agents during the summers of 1653 and 1655 ; rough drafts of accounts and files of receipts between June 1654 and March 1655, and for the year from April 1656 to April 1657 ; a file of receipts between 16 September 1657 and 31 December 1658 ; and a completed account of the expenditure between 27 January and 29 September 1659.⁴ During the period between June 1654 and March 1655 there is a payment of £30 to Edwards, one of the names given by Barret as an alias, but the receipt and its signature are those of John Edwards, an agent at Copenhagen.⁵ The year from April 1656 to April 1657 covers the dates of all the existing letters from Barret, yet there is no receipt in Willys's writing nor any note of a payment made to him either in his own name or by any of the aliases mentioned by Barret ; neither does the account contain a general heading which might include unspecified payments. We have no rough draft of the detailed account for intelligence between 1 May 1657 and 27 January 1659, but according to a note in Thurloe's account for

¹ Clarendon MSS. lxi, fo. 195 ; lxii, fo. 188 ; *Clarendon State Papers*, iii. 488 ('Mr Herbert to the King').

² *Great Rebellion*, xvi. 28, and n. 2.

³ Suppl., *State Papers, Dom.*, *passim* ; *Thurloe's Papers*, vii. 672, 787 ; Rawlinson MS. A. xlvii, fo. 267.

⁴ *State Papers, Dom.*, *Interregnum*, xcv ; cliv, fos. 229, 331 ; cc ; *Thurloe's Papers*, vii. 785-7.

⁵ *State Papers, Dom.*, *Interregnum* xcv, fo. 251 ; cf. Edwards's letters in Rawlinson MS. A. xv, fos. 73, 192, 298, 306, 307.

the succeeding year the total expenditure was £2,410;¹ and the receipts, bearing dates between 16 September 1657 and 31 December 1658, are for sums amounting to £1,777 10s. 0d.² None of these is in Willys's writing. It is plain, therefore, that during this period, which extends over the time of Ormonde's visit to London, Willys can neither have received a salary of £1,200 nor £1,000 down for the betrayal of the marquis. Nevertheless, there is a reasonable certainty that the salary of £1,200 was formally specified in the indictment, for this sum is mentioned in the notes taken in May 1660; and in his letter to Dr. Tenison Morland deliberately asserted that Sir Richard had pressed the king

to send him over 50 or 60 li. as oft as he sent him over new Instructions, w^{ch} was usually once a month, though at y^e same time hee had much greater summs conveyed to him by my hands in dark nights and obscure places, such as y^e Vine Tavern in Holb[orn], Hackney coaches and ye Like!³

The inaccuracy of this statement and the whole story relating to the Westenhanger plot cannot be left out of consideration, for since Morland is the only original authority for Willys's betrayal of Ormonde, and for the accepted version of his contract with Thurloe, it is necessary to examine his credibility as a witness; and it must be acknowledged that this credibility is gravely damaged by the fact that, of the two remaining charges brought by him, one was absolutely and the other at least partially false.

The question of the authenticity of Barret's letters is therefore of importance. But for this evidence it might well be thought significant that the only recorded payment to Barret⁴ occurs at a time when Morland had not merely denounced Willys, but had received a reply from the king which could be shown to the government as a proof of the confidence placed in him by the royalists and a pledge of good intelligence to come. The fact that the payment to Barret is entered separately from those to Morland is no objection to the identification of one with the other, for the existing letters and receipts show that Penninge, Jackson, and Rigsdén, whose accounts are entered separately, were the same agent;⁵ nor is the identification disproved by Morland's reference to Barret's appointment at his chambers with Thurloe, for Morland was accustomed to allude to himself, under his pseudonym, in the third person.⁶ It was the evidence of Barret's writing which induced his contemporaries to believe the charge; 'the character was well known' and 'there remained no room to doubt':⁷ and the same evidence led Dr. Macray to identify

¹ *Thurloe's Papers*, vii. 787.

² State Papers, Dom., Interregnum, cc.

³ Lambeth MS. 931, no. 1.

⁴ *Thurloe's Papers*, vii. 787.

⁵ Rawlinson MS. lxvi, fo. 159; *Thurloe's Papers*, vii. 787.

⁶ Clarendon MSS. lxxv, fo. 266; lxxvii, fo. 358; lxx, fo. 85; lxxi, fo. 85.

⁷ Clarendon, *Great Rebellion*, xvi. 30.

Barret as Willys.¹ On the other hand, it is clear that Willys always maintained that the letters were forgeries, and declared himself ready to affirm it on oath.²

In this connexion it must be noted that Morland had made use of forged documents in his *History of the Evangelical Churches in Piedmont*; his intelligence letters show that he could alter his writing almost as he pleased; and the fact that, when advising the use of counterfeit hands and seals by the censorship in 1689, he explained the necessity for using the same kind of ink, paper with the same watermark, and wax of exactly the right shade, proves that he was greatly in advance of his age in his care of the details that go to the making of a successful forgery.³ The majority of his contemporaries appear to have used only such inartistic methods as distressed him.⁴ When Sir Robert Moray was accused of a conspiracy against the king, a letter put forward in evidence against him by Lady Page was judged to be a forgery because it was obviously not in his hand;⁵ and Clarendon makes a similar point in Willys's case: 'His Majesty . . . frankly declared that nothing could convince him of the infidelity of that gentleman . . . but the evidence of his handwriting which was well known'.⁶ Brodrick also regarded this evidence as conclusive: 'The great conviction is his hand . . . if you have that (as it is said by some) you have more than enough, his face not being better known to you.'⁷ Under these circumstances it is improbable that Barret's letters were subjected to any closer examination than a casual scrutiny of the writing, which has frequently been proved a most unsatisfactory test.

A critical examination of the contents usually affords a better means of proof. In this connexion it may be noted that though 'Barret' was in London during November 1656, and having the excellent pretext of 'law business'⁸ had no need for concealment, Willys wrote to the king on 1 December that he had been in the country since September,⁹ and implied at his examination that he had not returned to town until 'the end of this year'.¹⁰ It must also be admitted that if Willys were Barret he was extraordinarily successful in concealing the agent's characteristics. The good breeding for which he was noted among his contem-

¹ *Ante*, iii. 528, n. 3.

² State Papers, Dom., Chas. II, xlvi, no. 195.

³ *Buckleuch Papers* (Hist. MSS. Comm.), ii, pt. i, p. 48.

⁴ 'Mr Dorislaus . . . alas! understood no better ways than to cut letters open with a pen knife, and then drop wax under' (*ibid.* p. 49).

⁵ Robertson, *Life of Sir R. Moray*, pp. 92-4; *Nicholas Papers*, ii. 27-8, 49, 56; *Clarendon State Papers*, iii. 213; Clarendon MS. xlvii, fos. 317, 319.

⁶ *Great Rebellion*, xvi. 30.

⁷ *Clarendon State Papers*, iii. 564.

⁸ *Thurloe's Papers*, v. 653.

⁹ Clarendon MS. liii, fo. 94.

¹⁰ That is, in March 1657. Brodrick stated in January 1657 that Willys was at Fen Ditton (Clarendon MS. liii, fo. 235).

poraries, the dignity and restraint ascribed to him by the author of 'The Bloody Treaty',¹ are conspicuously absent from Barret, who boasts and cringes like Morland ; and in spite of the brevity of his letters Barret's style is more wordy than is usual with Willys. It is, however, impossible to make an exhaustive critical examination of Barret's correspondence, since it is incomplete. Clarendon implies that information of Massey's design on Gloucester in 1659 was conveyed to Thurloe by this means,² but no such letter is now among his papers, Thurloe's, or those of the council. Barret's report of 13 December 1656³ alludes to an enclosed extract from a letter from 'the Doctor' (Colonel Honywood) written in code, 'w^{ch} I have marked with the true names that you may rightly apprehend it' ; but the enclosure is not in its place. This report, which is not among Thurloe's manuscripts but in the State Papers, may have been one of those shown to the king ; for Willys declared at his examination that an obsolete cipher (taken from him, apparently, at the time of his arrest in 1658) had been used in forging the correspondence. It is not clear whether any further documents have been lost, or whether the letters among Thurloe's papers were ever in the 'Small paquet' entrusted to Henshaw ;⁴ they may have been those which Morland kept in case of a miscarriage.⁵

We can only judge of the later letters from the evidence of contemporaries. Charles II, on 4 July 1659, declared that the copies of letters alleged to be Willys's did not contain information of special value ;⁶ Clarendon, in describing the 'originals' received at the beginning of August, stated that 'the intelligence communicated was of such things as were known to very few' ;⁷ and from this it appears that no important letter from Barret was forwarded until 19/29 July, seven weeks after Willys had been denounced. Nor is the further description of Barret's intelligence less surprising : 'One thing was observed throughout the whole, that . . . what was undertaken by any of the Presbyterian party, or by any who had been against the King, was poured out to the life.'⁸

¹ *Great Rebellion*, xvi. 29 ; Echard, *History*, p. 727 ; Thomasson Tracts (Brit. Mus.), E. 311, no. 27.

² *Great Rebellion*, xvi. 30.

³ State Papers, Dom., Interregnum, cxxxi, no. 32. I have accepted the date of the endorsement adopted by the calendarer (*Cal. of State Papers, Dom., 1656*, p. 196), but the date of the letter itself looks to me like 'oct^r 13th', though it is possible to read it as a very shaky 'd^r'. Willys's usual abbreviation was 'De^r'.

⁴ Clarendon MS. lxi, fo. 278.

⁵ *Ibid.* lxii, fo. 189.

⁶ *Ibid.* lxi, fo. 296.

⁷ *Great Rebellion*, xvi. 30. Clarendon implies that these letters were received before Mordaunt's return to England at the end of June, but this is a mistake (Clarendon MS. xii, fo. 188 ; Add. MS. (Brit. Mus.) 28094, fo. 9 d).

⁸ *Great Rebellion*, xvi. 31.

The Presbyterian section of the royalist party was the first to distrust Willys, and tried to keep him from knowledge of their plans in 1659; their leaders had been warned not to communicate matters of importance to him or his friends,¹ and seem to have been in touch with Morland before the end of July. In these circumstances it is strange that any part of their design that was 'known to very few' should have come to Willys's knowledge, and still more strange that Barret's most valuable information was given to Thurloe after he had been denounced to the king. It is clear that the government was kept well informed, even after general orders had been issued to the royalists for the boycott of Willys and his supporters, for in February 1660 the Speaker was deterred from offering his services to Charles II by his fear of 'a person then great in place and trust about his Majesty, who . . . held continual correspondence with Thurloe';² and it is equally clear that in the following month Thurloe was receiving information about the king's movements from Morland.³ On the other hand, in 1656, when Willys must have had extraordinary opportunities for sending early, accurate, and important information, Barret was usually behindhand with his intelligence; and notwithstanding his assertions about its rare value it may easily be paraphrased from other reports.⁴

It is not surprising that Barret was ashamed to think how unsatisfactory his letters must be to Thurloe, and wrote of 'that small service I am capable of', 'if you shall please to make use of so slight a person as I am':⁵ strange as these words seem to be from one who not only was, but was known to be, trusted as far as he wished. The only matters upon which his reports had not been anticipated were some of the details of Syndercombe's plot and the information against Dodson; and the last of these cannot have been of immediate importance since Thurloe waited nearly five months before asking Vernatti to make inquiries.⁶ The interval is long enough to suggest that the secretary acted only on later information; but if this were so, the intelligence was presumably received from an independent source, long before

¹ *Great Rebellion*, xvi. 33; *Clarendon State Papers*, iii. 535.

² *Leyborne-Popham MSS.* (Hist. MSS. Comm.), p. 224.

³ *Rawlinson MSS.* A. lxiii. fo. 232; lxvii. fo. 129.

⁴ Space is not available for parallel quotations, but Barret's information may be found as follows: (1) *Thurloe's Papers*, v. 354; cf. p. 282. (2) *Ibid.* p. 559; cf. p. 512. (3) *Ibid.* p. 594; cf. pp. 334, 432, 479, 588, 645; *Rawlinson MS.* A. xxv, fo. 379; *Clarendon MS.* liv, fo. 127 (intercepted). (4) *Thurloe's Papers*, v. 602; cf. *Rawlinson MS.* A. xxv, fo. 407; *Thurloe's Papers*, v. 391-2, 488, 775-6. (5) *Ibid.* p. 667; cf. p. 650. (6) *State Papers, Dom., Interregnum*, cxxxi. no. 32; cf. *Thurloe's Papers*, v. 273, 297, 302. Barret's letters of 24 and 26 November (*ibid.* pp. 653, 657) contain only requests for an interview.

⁵ *Ibid.* pp. 354, 559; *State Papers, Dom., Interregnum*, cxxxi. no. 32.

⁶ *Clarendon MS.* liv, fo. 127 (intercepted).

Morland had occasion to produce Barret's letters. The details of Syndercombe's plot were made public in January 1657, more than two years before the denunciation of Willys ; and it may be noted, with reference to the design against Lynn and Ely, that Morland himself had deciphered Manning's report that Willys was concerned in this plan,¹ and that Barret's account of the proposed attempt was not merely such as could be supplied from Morland's local knowledge,² but such as would be most likely to be given on the eve of Booth's Rising by a forger in communication with Mordaunt.³ Lastly, the fact must be emphasized that the false, as well as the true, information in Barret's letters may be collected from the reports of spies without Willys's special opportunities ; for as much of the information dated November 1656 seems inexplicable if Willys were the writer and working in the protector's interest, so the communication in October or December of a royalist code in use until 1658 cannot have been the work of an agent loyal to the king. In short, the most adequate explanation of the difficulties raised by the internal evidence of the letters is that the correspondence is not genuine ; and the suggestion, made by Willys, that it might have been compiled in July 1659 from the intelligence reports to which Morland had access, must be admitted to receive support from Thurloe's papers.

The terms of the contract, as stated by Morland, appear to have been equally derivative. So strong is the resemblance which they bear to the conditions set forth in an undated letter to Thurloe, signed John Foster,⁴ that the letter has been attributed to Willys,⁵ but a close examination will lead to the conclusion that it can hardly have been written by him ; for though a casual scrutiny of handwriting is a very unsafe test, experience has shown that even a skilled forger is apt to revert to his own peculiarities of style and writing in the course of a long document.⁶ Foster's letter probably contains about as many words as all Willys's letters in the Clarendon manuscripts put together, a sufficient indication of the unlikeness of its style to his ; but it nowhere betrays the peculiarities of his hand, which are very marked and persist throughout the changes in its general appearance due to illness. It was probably for this reason that Brodrick was confident that

¹ Rawlinson MS. A. xxv, fo. 407, endorsement.

² He had lived in Cambridge from 1649 to 1653.

³ Compare Barret's letter (*Thurloe's Papers*, v. 594) with Mordaunt's (*Clarendon State Papers*, iii. 473).

⁴ Rawlinson MS. A. xiii, fo. 76, printed in *Thurloe's Papers*, i. 757.

⁵ *Thurloe's Papers*, loc. cit. ; Macray, *Index to the Rawlinson MSS. A-C*, p. 975 (under Willis).

⁶ Wills, *Circumstantial Evidence*. It is interesting to note that Morland seems to have been aware of this danger, as he only undertook to write 'ten or twelve lines' so that his copy could not be distinguished from the original (*Buckleuch Papers* (Hist. MSS. Comm.), ii, pt. i, p. 48).

Willys's hand was 'more unlikely to be counterfeited by another or disguised by himself than any';¹ but handwriting is not necessarily difficult to forge because its characteristics are unusual, and the painfulness of Willys's later script must, to some extent, have lessened the difficulty of giving a sufficiently 'free' appearance to an assumed hand, while his habitual brevity would facilitate a forger's task. It may be well, therefore, to examine Barret's letters for those small peculiarities of style and writing by which even a skilled forgery may sometimes be detected.

The most striking of these peculiarities is the irregularity of his method of dating. Willys's letters are dated uniformly with the day of the month; sometimes he adds the year, but never the day of the week or the time of day; and the number of the day is invariably preceded by the name of the month.² This rule holds good also for the letters written during the civil war,³ and would therefore seem to have been established long enough to have become a mechanical habit. In these circumstances it is strange that a man who did not trouble to disguise his hand should have altered his method of dating, yet only two of Barret's letters, those of 5 November and 13 December, are dated in Willys's usual fashion, and the latter is not quite true to type, since the name of the month is written with a small initial, whereas Willys always uses a capital. The dates of the remainder are: 'Thirsday. night 28th'; 'Satterday morning the 15th No.'; 'Teuesday. No: 18th'; 'Munday 24th of No^r'; 'Wensday No. 26'; and 'Sonday. No: 30th'. A similar irregularity may be observed in Morland's letters, which are sometimes undated;⁴ sometimes dated with the day of the week;⁵ sometimes with the time of day, day of the week and month, and number of the year;⁶ most frequently in some method intermediate between these stages. Like Barret, he nearly always gives the day of the week; and he usually makes the number of the day precede the name of the month, as Barret does in his letters of 15 and 24 November.⁷

A noticeable peculiarity of Willys's writing is that, though its general effect is admittedly unmistakable, it has great variety in detail. Both the roman and black-letter 'capital T' and 'small h'

¹ *Clarendon State Papers*, iii. 562.

² Rawlinson MS. A. ix, fo. 165; Clarendon MSS. li, fo. 275; lii, fo. 69; liii, fos. 94, 120; liv, fos. 243, 244; lv, fos. 103, 250; lvii, fos. 187, 194, 197, 208, 218; lxxii, fo. 286.

³ Brit. Mus., Add. MS. 18982.

⁴ Clarendon MS. lxi, fo. 270 a; Rawlinson MS. A. xxii, fo. 477.

⁵ Rawlinson MS. A. xxvii, fo. 157.

⁶ *Thurloe's Papers*, vii. 672; Clarendon MS. lxiii, fo. 105.

⁷ Exceptions (Clarendon MSS. lxxv, fo. 266; lxvi, fo. 86 d; lxxviii, fos. 65, 104) may be due to the copyist. In one instance (*ibid.* lxvi, fos. 86, 87), where both copy and original have been preserved, the copy gives precedence to the name of the month, the original to the number of the day.

may be found, and five kinds of 'e' distinguished. Even in this variety, however, there seems to be a kind of habit: thus, the black-letter 'capital T' and 'small h' appear in a fictitious signature;¹ while the 'blind e' almost invariably precedes an 'r' and is frequently found before a 'long s', but only twice occurs before any other letter. Barret uses the 'black-letter h' much oftener, the proportion in most of his letters rising to over 50 per cent.; his 'blind e', though less frequent, occurs before a greater variety of letters; and his clumsy, curly 'B' forms a strong contrast with Willys's plain roman capital. Willys's 'B', however, occurs in the text of Barret's report of 13 December 1656,² and it is therefore possible that Barret's initial is an instance of his altering the form in a signature, though this alteration does not occur in the signatures of 'Branch' or 'Brockwell' used in his correspondence with Hyde; but it must also be noted that Morland uses plain capitals in the text of his letters, while the initials of his signature are sometimes curled, and there is occasionally a break in the bottom of his 'B' similar to that in Barret's. As neither curly 'B' nor tailed 'h' is the normal form with Willys or Morland, it is probable that a conclusion may be more safely reached through an examination of the commoner letter 'e'. Two forms of this may be distinguished in Morland's writing, the modern 'looped e', and the 'looped e' of the early part of the seventeenth century; the five found in Willys's hand are the old-fashioned 'looped e', 'epsilon', 'epsilon with a separate cross-bar (usually flying)', 'blind e', and a form which may be classed either as 'epsilon with a cross-bar curving upwards' or an 'incompletely looped e'. Barret makes all the forms found in Willys's hand, but he makes them in very different proportions. The highest percentage of 'looped e's' in any letter from Willys is just over 17 per cent., and his average is 4 per cent., while the lowest percentage in any letter from Barret is nearly 37 per cent., and his average is over 64 per cent.³ This appears natural, if Barret's letters were forged by Morland (who normally made this kind of 'e', and might well have been rendered careless by the fact that it was not unknown in Willys's writing), but hardly so if it be ascribed to Willys's erratic formation of his letters. It is still less likely to be due to an attempt made by Willys to disguise his hand, since at a time when it was thought possible to recognize

¹ Clarendon MS. lv, fo. 103.

² State Papers, Dom., Interregnum, cxxxi, no. 32.

³ The average percentages of the other forms are:

	Uncertain.	Epsilon.		Blind.
		Ordinary.	Crossed.	
Barret . . .	0.8	23.2	9.5	2.2
Willys . . .	4.62	47.2	35.78	8.4

a forgery without a careful examination of detail, a greater change in the formation of the letters would have been made.

The condition of the correspondence also raises a question as to its authenticity. Willys seems usually to have kept his hands clean, but five of Barret's eight letters are more or less marked with the small curvilinear patterns made by the pressure of inked skin-ridges on the paper.¹ This fact suggests a possibility of deciding the authenticity of historical documents, in certain rare circumstances, by the finger-print method. It is noticeable that Morland also was in the habit of handling his papers with inky fingers ; several of his deciphered transcripts of intelligence reports and even some of his official letters are marked in the same way as Barret's ; and when these marks occur on secret papers, and have obviously been made before the writing was dry, it is a reasonable inference that they were made by the writer. The impressions on Barret's letters, however, are not complete enough to be safely used as evidence of identity ; though the frequency with which such marks appear on Morland's papers may be held to create a presumption that he is more likely than Willys to have been the writer of letters similarly marked.

On the whole it is probable that, whatsoever conclusion Willys's contemporaries might have reached through their belief that it was impossible to forge his writing successfully, later historians upon examination of the evidence would have found him not guilty, had not his own account of his proceedings given an unfortunate impression. His case, however, had been prejudged, and it is clear that in May 1660 he did not expect to be believed ; his intention was only to cast himself on the king's mercy,² and (if the notes of his examination represent the case fairly) he did not put the defence he might have made. He no longer brought instances to show the impossibility of his guilt,³ merely observing that Morland (having been at the same time secretary to the republican committee for examinations, spy in the king's service, and paid agent of a foreign ambassador) ' is, as he supposeth, as little to be credited as himself '.⁴ There is no doubt that he could have

¹ Rawlinson MS. A. xli, fo. 712 ; xliv, fos. 74, 75, 221 : State Papers, Dom., Interregnum, cxxxi, fo. 32. A similar mark on Rawlinson MS. A. xliv, fo. 345, seems to have been made later. There is an imperfect mark on the outside of Willys's letter of 4 March 1657/8 to Hyde (Clarendon MS. lvii, 198 d) ; and another on the outside of one to Prince Rupert, 4 January 1644/5 (Add. MS. 18982, fo. 5), but it is not certain that this was made by the writer.

² Egerton MS. 2549, fo. 24.

³ ' Sir Richard Willis . . . gave many arguments how impossible it was that he could be guilty ' (Hyde to Ormonde, 29 November 1659).

⁴ State Papers, Dom., Chas. II, xlviii, no. 195. Morland, having a peculiarly sensitive nature (as he explained to Thurloe, Rawlinson MS. A. xxxvii, fos. 301, 303), subsequently petitioned the king to compensate him for being ' exposed to scorn and byword of Sir Richard Willis ' (Add. MS. (Brit. Mus.) 28094, fo. 10).

disproved the charge of trying to draw the king into a trap, but his recorded answer is only that, 'if Morland . . . can by any valid witness make appear that S^r Rich: talk't with either Oliver or Richard Cromwell in all his life, he is ready to own all the accusation that is made against him';¹ and he does not seem to have produced written evidence from Thurloe in support of his assertion as to the nature of their agreement, or from Morland to show that his accuser was a false witness, though apparently both were in his possession.²

Several historians have been puzzled by the letter, dated Thursday 1 March 1659/60, in which Morland declared to Willys :

I think my self oblig'd (tho a Stranger to you) to be so far assisting to your Vindication as to declare and profess, That . . . so far was I from being in any Capacity of informing against you that . . . I knew not so much as your Name; neither was I ever present at any private Conference between you and M^r Secretary Thurloe.³

Halliwell-Phillips decided that this letter must have been obtained by intimidation, and Lingard that it was a forgery;⁴ but its existence was acknowledged by Morland himself in his letter of 3 March to Hyde;⁵ and it does not appear from his account to have been other than freely given, presumably as a device to avert suspicion from himself. He mentions that he has seen a letter from Thurloe also clearing Willys, and that after reading it he told Sir Richard that 'it was rather a ground of jealousy upon him than any thing else', but that 'indeed what Morland had written was something'.⁶ Willys, however, does not seem to have made any use of Morland's vindication or any attempt to disguise the fact of their acquaintance; though he stated in his letter of 7/17 April to Hyde that his 'old friend', apparently Monck,⁷ had twice heard Thurloe avow that his former intercourse had been 'upon another score than your Lordship and all abroad imagined'. The notes of his defence in the State Papers contain no reference either to Morland's letter or Thurloe's, nor any indication of Monck's evidence, though his representations in Willys's favour are mentioned in Hyde's endorsement of Sir Richard's petition for pardon.⁸

¹ State Papers, Dom., Chas. xlviii, fo. 195. It is probable, however, that his reference to Morland's attempt to draw him into the plot for a supposed surprise of a port was made in answer to a question on this subject.

² Clarendon MS. lxx, fo. 85.

³ Echard, *History*, p. 727.

⁴ Halliwell-Phillips, *Life of Sir Samuel Morland*, p. 9; Lingard, *Hist. of England* (ed. 1849), viii. 580 n.

⁵ Clarendon MS. lxx, fo. 85.

⁶ He is writing as 'Gibs' in the third person.

⁷ Villiers wrote a week later that Willys's affair was 'in other hands' (Clarendon MS. lxxi, fo. 253); and Monck, who seems to have been consulted about Thurloe's offers of service (*Thurloe's Papers*, vii. 897), reported in Willys's favour before 29 April/9 May (Egerton MS. 2549. fo. 24, endorsement.)

⁸ Egerton MS. 2549, fo. 24.

This is enough to show that the notes do not form a complete statement, but a still more surprising omission is the justification of Willys's relations with Thurloe on the ground that his commission authorized him to treat with any of the king's enemies if he should think it advisable, and as he had been particularly commanded to undertake one such negotiation, he thought it would be acceptable, when Thurloe gave him the opportunity, to take advantage of it.¹ These points are made in the first letter of explanation sent by Villiers, and their omission later is the more remarkable because royalists of unquestioned loyalty seem to have entered freely upon such negotiations without reporting the earlier stages.² Willys's insistence on the 'power that was sent to him . . . to discours with persons' was technically therefore a strong position, but it proved to be worse than useless against judges already convinced of his guilt; though it is not clear whether this led to his abandonment of it, or to a partial report of his examination.³

This omission of the justification for his intrigue, together with the omission from the *Calendar of Domestic Papers* of his declaration that Barret's letters were forged, so completely destroys Willys's defence that it is not surprising that his guilt has been regarded as established. His petition 'that your Majesty's royall charity and forgiveness would extend itself as well to the frailtys of your friends as the malice of your enemys' has actually been taken as a confession, but Hyde's endorsement, 'the Petitioner doth not acknowledge his great offence', shows that he maintained his innocence to the last; and, damaging as some of his expressions may be made to appear, it would be rash to conclude from them that he was guilty of more than the errors of judgement which he admitted. Even for these there was something to be said. In his letter of 7/17 April 1660, while acknowledging the indiscretion of delaying to inform the king, he urged that it would have been still more indiscreet to break his word to Thurloe at the outset of the renewal of their intercourse: 'If I had done, my negociation would have ended that very minute, he being too nice to endure a second, and too powerful to be contended with had he taken the least pique after my first intrigue.' And he claimed at his examination that the agreement of 1657 had

¹ Clarendon MS. lxvii, fo. 52. The allusion is apparently to the attempt on Monck's fidelity, which he was repeatedly urged to undertake (*ibid.* liii, fo. 120; lvi, fo. 180; lix, fos. 72, 123), and seems to show that he was still feeling sore over the censure that had been passed upon his reluctance (*ibid.* lvii, fo. 219; *Clarendon State Papers*, iii. 411, 463).

² Evelyn, *Diary*, 10 December 1659 to 22 January 1660; *Clarendon State Papers*, iii. 525.

³ See the complaint of Francis Gray about suppression of evidence by reporters (*State Papers, Dom., Interregnum, Com. for Advance of Money*, A. 100, no. 46, fo. 72).

been of service to the royalists ; though his statement that Thurloe had ' shown him his danger ' before making the offer may perhaps be thought to betray some uneasiness. This, however, cannot fairly be regarded as a sign of guilt, since it is not impossible that the use of his commission to some extent as a private safeguard might have troubled the conscience of an officer sensitive on a point of honour ; and there is abundant evidence that, until the production of Barret's letters, this was the kind of man that all his acquaintance believed Willys to be.¹ The chancellor's correspondence between August 1659 and May 1660 is perpetually occupied with the difficulty of breaking ' the Idoll of that man's reputation ' ; ² and it is noteworthy that the unconverted were those who had had the best opportunities for discovering his quality. Honynood, his friend from infancy,³ Monck, in whose company he had served as ensign,⁴ and the Sealed Knot, who had worked with him for years, saw nothing incredible in his alleged belief that, though Thurloe had denounced him, he was bound by his promise of secrecy until his formal release, or in his readiness temporarily to sacrifice for the king's service even his cherished renown.⁵ Such strong testimony of character ought not to be without weight in a case where the guilt of the accused cannot be regarded as satisfactorily established.

There is no doubt that Willys could have given to Thurloe Ormonde's address in London in 1658, and withheld it ; there is no evidence, except Morland's statement, that he gave information of Ormonde's arrival ; and it is difficult to account for his close imprisonment in the spring and summer of 1658 on the hypothesis that he was a valuable spy in the government service. Nor is it easy to explain his denunciation in June 1659, if he were likely to be useful to the council of state ; for the fact that Morland sent the ' originals of Willis his letters ' to the king by a secret agent of the government, although he was in communication with the royalist courier Norwood, makes it appear improbable that he was acting without the council's knowledge.⁶ It is quite clear from

¹ Clarendon MSS. lxi, fo. 296 ; lxvi, fo. 317 d ; *Nicholas Papers*, iv, 169. It should be noted that Willys had never compounded (State Papers, Dom., Chas. II, xlvi, fo. 195). The colonel mentioned in Whitelock's *Memorials* was not Sir Richard, as Mr. Airy believes (Burnet, *Own Time*, i, 117 n.), but his youngest brother William, a colonel of horse in Charles I's army, who had received his training in the French service (M. I. at Fen Ditton ; Add. MS. 18982, fo. 34 ; Com. for Compounding G., exciv, fos. 174, 177).

² *Clarendon State Papers*, iii, 562, 573, 574, 582, 584 ; Clarendon MSS. lxiv, fos. 89, 220, 319 ; lxv, fos. 170, 184 d ; lxvi, fos. 214, 317 d ; lxvii, fos. 31, 149, 202, 239, 299 d.

³ Prerog. Court, Cant. Wills, 28 Ridley.

⁴ Echard, *History*, p. 727.

⁵ Clarendon MSS. lxiv, fo. 89 ; lxix, fos. 52, 140. Willys's care for his reputation was well known (Thomasson Tracts, E. 311, no. 27 ; Symonds' *Diary*, pp. 269, 270) ; and Morland represented him in 1660 as being concerned as much about the ' Blott on his posterity ' as his personal danger (Clarendon MS. lxx, fo. 85).

⁶ Morland afterwards asserted that he and Henshaw had combined to dupe their

the intelligence accounts that Willys cannot have been paid £1,200 a year or even 'a large pension' by Cromwell; and there is nothing to disprove his statement that he had never received money 'for the betraying of any thing', since the only evidence for his identification with the Mr. Barret mentioned in the accounts of 1659 appears to have been forged. Along with the authenticity of the existing Barret letters the direct evidence that he had ever been a government informer disappears; and it is unlikely, if these are forgeries, that the lost letter described by Clarendon was genuine. There is nothing against him except the nature of his explanation; but that Thurloe made overtures to him in 1657 is not so unlikely as has been supposed,¹ since it was in the interest of the protector's service to get into touch with the Sealed Knot; it is not improbable that the first offer would have been tentative or seemingly innocuous; and there is nothing to show that it was other than that stated by Willys, since Thurloe's knowledge of royalist plots is sufficiently explained by his information from other sources. The acceptance of these terms was in accordance with Sir Richard's commission; and its rashness, though extraordinary in him, is not inadequately explained by the additional motives of fear and chagrin at which he hinted. His story, though repeated during several months, remained unchanged in essentials;² it does not appear to conflict with known facts; and its credibility is supported by a remarkably strong testimony to his good character.

Morland's narrative, on the other hand, is inconsistent with ascertainable facts and even with his own statements; and its purpose might easily be determined were it clear in whose interest he was working at the time of his denunciation of Willys; for there can be no doubt that he was a double spy. Of all the documents in Thurloe's papers ascribed to Willys, only two will bear the test of a close examination: the letter from 'Henry Hart', intercepted in 1653, and the copy of Hyde's letter, possibly seized in 1658;³ but in Morland's undisguised hand there are copies of letters from Brussels written ten months after his supposed conversion to the king's cause,⁴ and it is clear from the address that they were not transcripts made in the office, or for the copyist's

employers: but Henshaw, released for espionage and suspected by Scott (*ante*, xii. 123), would have been a most unsafe messenger unless the government had consented to his errand.

¹ Firth, *Last Years of the Protectorate*, i. 30.

² The notes dated May 1660 represent him as knowing that Thurloe had combined with Morland to 'post' him; but though this appears as a narrative of fact (*State Papers, Dom.*, Chas. II, xlviii, no. 195), it was not improbably a statement of the opinion mentioned in the letter of February (Clarendon MS. lxix, fo. 52). There is no other variation.

³ Rawlinson MSS. A. ix, fo. 165; lvi, fo. 55; see *supra*, p. 36.

⁴ *Ibid.* A. lxiii, fo. 232; lxvii, fo. 129.

own convenience, but were forwarded by him to Thurloe. One of these, dated 3/13 March 1659/60, gives notice of the king's intention to accompany his brothers on their journey to Breda, as far as Antwerp ; but though it must have been obvious that his escape thence into Dutch territory would not be difficult, the information is perhaps hardly accurate enough to be used as proof that Morland was working against the royalists. On the other hand, his encouragement of vain hopes¹ and his failure to warn Massey in July 1659, the vagueness of his reports to Hyde coupled with his anxiety to be kept informed of the king's plans,² and his efforts during the winter of 1659-60 to create distrust of Monck in the king and chancellor,³ do not suggest devotion to the royal interest ; while it is a suspicious circumstance that Barret's reports to Thurloe concerned the party with which he was most closely in touch and increased in value after the denunciation of Willys and the settlement of his own correspondence with Hyde. It would be pleasant to believe that he was the mysterious agent whose valuable information, transmitted through his old chief, was the means of saving Thurloe from proscription by the republicans ; but the existing intelligence sent in this way was given upon the secretary's brief return to office, and his description of him to Hyde, as intriguing to the last to prevent the Restoration,⁴ forms a strong contrast with Thurloe's own efforts on behalf of St. John. This description, however, was made when the Restoration was clearly inevitable, and does not prove that Morland was not instrumental in reconciling the republicans to Thurloe in the early summer of 1659, when it was still uncertain that the Cromwellian party had finally lost their ascendancy. It is probable that in the event of their return to power he would have wished to secure his old post under Thurloe, though it was of less importance than that which he counted on obtaining at the Restoration under the less active supervision of Nicholas ;⁵ and neither offered so dazzling a prospect as that of becoming chief secretary, of which—according to his own account—he had hopes if the republicans remained in power.⁶ As far as can be ascertained, his aim after Cromwell's death was to keep in touch with all parties and to secure his own position ; and in these circumstances he is more likely to have been working in June 1659 for the republicans, who had just seized power, than for the king, who was only a future possibility.

Thurloe's part in these transactions remains obscure : how far

¹ Clarendon MSS. lxi, fo. 221 ; lxii, fo. 191.

² *Ibid.* lxviii, fos. 65, 104, 146 ; lxxi, fos. 34, 84, 169. It is clear that his curiosity was not ungratified (*ibid.* lxvi, fo. 181).

³ *Ibid.* lxx, fos. 85, 132, 203 ; lxxi, fo. 34.

⁴ *Ibid.* lxxi, fos. 34, 35.

⁵ *Nicholas Papers*, iv. 257.

⁶ Clarendon MS. lxxi, fo. 95.

he was aware of his former subordinate's game, and whether he concealed Barret's letters intentionally, or merely gathered them up with the office papers among which Morland had left them, are unanswered questions. Morland's description of him as irreconcilable was no doubt interested, for Thurloe's pardon and appointment to office would have lessened his chance of the second secretary of state's place. Willys, though not untroubled by doubts of Thurloe's good faith, seems to have believed in 1659 that he might be persuaded to support the royal cause; but Willys was as much interested in proving his negotiations sincere as Morland was in showing the contrary, since he supposed that his reputation depended on the proof. Thurloe's own evidence is unfortunately lacking; the chief references in his papers to this intrigue are to be found in Hyde's intercepted correspondence, and we have only Morland's word for the existence of his letter clearing Willys; but as there is nothing to show that the agreement of 1657 went farther than Willys stated, so there is no evidence that the negotiations of 1659-60 were other than the natural outcome of the terms he described. It is, however, clear that the fullness and accuracy of Thurloe's knowledge of royalist plans in no instance depended upon information received from Willys; and the verdict in this case, if not definitely 'not guilty', should at least be 'not proven', since the most reasonable certainties that emerge from the mass of evidence are that Morland's credibility as a witness is scarcely higher than that of Titus Oates, and that Thurloe's organization of intelligence, so justly yet so mistakenly admired by his contemporaries, needed no such 'masterpiece' of corruption as they believed.¹

MARJORY HOLLINGS.

¹ My thanks are due to Miss O'Farrell for references to the uncalendared State Papers at the Public Record Office, and for many transcripts; to Mrs. Cameron and the bursar of Caius for information from Fen Ditton; to Miss Churchill and Mr. Marchant, who sent me photographs of finger-marked papers at Lambeth and in the Record Office; to the assistant commissioner of police, who examined these photographs and those taken by the Clarendon Press of letters in the Bodleian Library; and to Mr. H. Gaster of Lloyd's Bank, Strand, for his advice in regard to Barret's writing.

John Bagnell Bury

THE editor has asked me to write something about the contribution made by the late Professor Bury to medieval Greek history. I do so with the feelings of a modest worker in one branch of that complicated subject towards him who was *il maestro di color che sanno* in so many branches of it. By his notes to his edition of Gibbon he showed a mastery of the original polyglot sources and of the latest international explanations of the vast period covered by his famous predecessor. In his *History of the Later Roman Empire from Arcadius to Irene* he described at length that section of Gibbon's theme which extends from 395 to 800. In its sequel, the *History of the Eastern Roman Empire from the Fall of Irene to the Accession of Basil I*, he depicted with still greater wealth of detail two-thirds of the ninth century, and in his revised *History of the Later Roman Empire from the Death of Theodosius I to the Death of Justinian* he gave what he himself believed to be 'a fuller account of the events of' Justinian's 'reign than' was to be found 'in any other single work'. Into his *Naval Policy of the Roman Empire in Relation to the Western Provinces* and his lecture on *The Constitution of the Later Roman Empire* he condensed the results of years of research. He was capable of large generalizations, and as a masterly summary of a whole period may be cited his *Introduction* to the fourth volume of *The Cambridge Medieval History*, of which he was the architect. Yet he could treat of minute points of language or topography with copious erudition: witness his paper on *Magistri Scriniorum* in the *Harvard Studies in Classical Philology*. If his style lacked the caustic epigrams and brilliant paradoxes of Gibbon, and if he had not the personal acquaintance with Greek affairs which makes Finlay's judgements of men and measures so valuable, he had, unlike Grote, Thirlwall, and a host of *Stubengelehrte*, visited the places of which he wrote. He was well-equipped linguistically for coping with his cosmopolitan subject, and had acquired the great advantage of being able to read the voluminous Russian literature about it. I remember hearing him discuss a Slavonic manuscript of the Vatican Library with M. Rizoff, then Bulgarian minister in Rome, and his name was known throughout the learned circles of the Hellenic, Slav,

and Roumanian East. His edition of Freeman's *Historical Geography of Europe* showed his geographical knowledge. If in his treatment of the ecclesiastical questions which agitated the Eastern Empire he is less sympathetic and less satisfactory than Paparrhegopoulos, that is because, while a foreigner can understand, only a Greek can feel the vital importance of such questions to Hellenism. When I recently asked a Greek whether the sponge-fishers of Kalymnos were really interested in the question of separating the Dodekannesos as an autocephalous church from the Oecumenical Patriarchate, he replied that, where there were no politics, ecclesiastical questions took their place. So it was at Byzantium.

Professor Bury's first essay in medieval Greek history consisted of the three articles which he published in *The Journal of Hellenic Studies* for 1886-8 on *The Lombards and Venetians in Euboea*. If there be one portion of the Frankish domination in Greece more confused and obscure than another, it is the history of the triarchs and hexarchs in that island, the physical configuration of which, as I have noticed while visiting their castles, lends itself to a tripartite division. Hopf unearthed most of what is known about this strange adventure of a Veronese family on the distant and turbulent Euripos; but he buried his treasure in the forbidding catacombs of a trackless, formless, unindexed encyclopaedia, and in a monograph on *Karystos*, of which the much improved and augmented Italian translation was not accessible to Professor Bury. Nevertheless, with considerable labour, he presented the raw materials accumulated by the German scholar in a readable, comprehensive form, to which the heraldic knowledge of M. Tipaldos could now furnish illustrations from the escutcheons in the museum at Chalkis. In the domain of Frankish Greek history Professor Bury also gave the weight of his great authority to the present writer's confutation in this Review¹ of Hopf's derivation of the name of Navarino from the Navarrese Company by an article in *Hermathena*; ² in which he also wrote on subjects outside the scope of this article. He likewise lectured on that fascinating subject, *Romances of Chivalry on Greek Soil*.

He was a voluminous contributor to historical periodicals. In this Review, besides his article on *Prehistoric Ionians*,³ he published *Roman Emperors from Basil II to Isaac Komnenôs*,⁴ *The Chronology of Theophylaktos Simokatta*,⁵ *Γαπασδοειδής*,⁶ *The Relationship of the Patriarch Photius to the Empress Theodora*,⁷ *The Roman Empire in A.D. 600*,⁸ *The Ceremonial Book of Constantine*

¹ *Ante*, xx. 307 (reprinted in *Essays on the Latin Orient*, p. 107).

² Vol. xiii, no. xxxi, 1905.

³ *Ante*, iv. 41, 251.

⁴ *Ante*, vi. 152.

Ante, v. 255.

⁵ *Ante*, xv. 288.

⁶ *Ante*, iii. 310.

⁷ *Ante*, ix. 315.

Porphyrogennetos,¹ *The Embassy of John the Grammarian*,² *The Bulgarian Treaty of A.D. 814 and the Great Fence of Thrace*,³ and the date of the *Notitia of Constantinople*.⁴ From the outset, he was one of the collaborators with Krumbacher in the *Byzantinische Zeitschrift*, to the first number of which, published in 1892, he contributed a paper on *The Identity of Thomas the Slavonian*. This was followed in the same periodical by *A Source of Symeon Magister*; *Some Notes on the Text of Anna Comnena*; the *Date of the Battle of Singara*; *A Greek Word in the Liber Pontificalis*; *Iohannes Malalas: the Text of the Codex Baroccianus*; a brief German note, *Zu einer Stelle der Chronik des Theophanes*; *Inedita Nicephori Blemmydae* and *An Unpublished Poem of Nicephorus Blemmydes*; *The Παράδεισος of Ioannes Geometres*; the use in Theophanes of *Ἀμφότεροι* for πάντες and *An Unnoticed MS. of Theophanes*; *The Oracle in Procopius B.G.*; a long article on *The Treatise De administrando imperio*, subsequently translated into Croatian; and *The Chronological Cycle of the Bulgarians*. His last article published in that periodical⁵ was in 1912 on *The Great Palace of Constantinople*. *The Journal of Hellenic Studies*, besides five articles on classical subjects, published from him two on the mediæval period, *The Nika Riot* and *Mutasim's March through Cappadocia in A.D. 838*, in addition to the above-mentioned three on Eubœia.⁶ *The Annual of the British School at Athens* contains his valuable *Note on the Metre of the Inscriptions in Popular Greek* on the monument of the charioteer Porphyrios at Constantinople.⁷ *The British Academy Supplementary Papers* for 1911 include his long essay on *The Imperial Administrative System in the Ninth Century with a Revised Text of the Kletorologion of Philotheos*. Besides this last, five volumes of the series of *Byzantine Texts* were published under his editorship between 1898 and 1904. He also printed with short notes in the *Texts for Students*, under the title of *The Early History of the Slavonic Settlements in Dalmatia, Croatia, and Serbia*, the eight chapters of Constantine Porphyrogennetos, which have played so large a part in Balkan history, but pointed out the inaccuracy of the imperial author's statement that the Slavonic occupation of what is now Yugoslavia took place in the reign of Heraclius, whereas it had already happened in the sixth century, and Heraclius, by a common diplomatic device, merely recognized a *fait accompli*. So, centuries hence, an historian of the Balkans might write that Austria-Hungary first occupied Bosnia and the Herzegovina in 1908—the year of the formal annexation—instead of in 1878.

¹ *Ante*, xxii. 209, 417.

² *Ante*, xxv. 276.

³ *B. Z.* i. 55, 572; ii. 76; v. 302, 570; vi. 219, 508, 526; vii. 134; x. 418; xiv. 612; xv. 45, 517; xix. 127; xxi. 210.

⁴ *J. H. S.* xvii. 92; xxix. 120.

⁵ *Ante*, xxiv. 296.

⁶ *Ante*, xxxi. 442.

⁷ *B. S. A.* xvii. 88.

No account of Professor Bury's work would be complete without allusion to the assistance rendered him by his wife, who wrote the chapter on Byzantine art in one of his books, to whom he dedicated another in graceful Greek elegiacs, and who was his companion on many journeys connected with his historical studies.

Professor Bury, as he himself said, and as Mr. Norman Baynes pointed out in his detailed note on the historian's last great work,¹ made no pretence to write a *Kulturgeschichte* of Byzantium: he thought that a long time must elapse before that could be done. But he dealt incidentally with the literature and social life of the period, which he had so thoroughly examined from the political, administrative, and military standpoints. Unlike some explorers of the lesser frequented epochs of history, he did not lose his sense of proportion and believe that what was little known was therefore magnificent, and that what was Byzantine or Bulgarian was necessarily beautiful! He was under no illusions about Byzantine literature; the editor of Pindar and the lecturer on *The Ancient Greek Historians* knew the great writers of Hellas too well to proclaim that he had found a hitherto neglected masterpiece among the tomes of the Byzantine theologians or the deplorably edited volumes of the *Bonn Corpus*. He pronounced the judgement that despite, or because of their learning and their diligent study of the classical texts, the scholars of Byzantium have not bequeathed a single original work of genius to posterity. Venturing in a foot-note upon very dangerous ground for the foreign critic, he compared Photios with the late leader of the 'purist' school in modern Greek literature. But the 'vulgar' language of *The Chronicle of the Morea* is no more inspiring or inspired than the elaborate sentences of the classically educated historians of Byzantium. This does not, however, detract from the historical value of the events narrated in prosaic verses by the one and in stilted and frigid prose by the other, nor alter the fact that there was as much difference of personality between Byzantine as between other historians, so that some, like Phrantzês, were men who had helped to make the history which they described, while others were rhetoricians embroidering a second-hand story. Professor Bury pronounced Procopius to be 'the most excellent Greek historian since Polybius', and explained the savage attacks of the *Secret History* by the fact that its author had become a disappointed place-hunter who wrote for strictly family consumption a book not to be published, if at all, till long after the death of all the persons concerned. To the tardy gratification of the place-hunter's ambition he attributes the palinode in the *Buildings*. This explanation shows Procopius to have been a man of strong intellect but despicable character, a not infre-

¹ *Journ. Rom. Stud.* xii. 207.

quent combination. Besides its historical value, as Professor Bury gratefully wrote, we owe to Byzantine erudition the preservation of the manuscripts of the classics.

While Gibbon liked to force upon the reader a sketch of his characters drawn with a few sarcastic strokes by himself, his successor's aim was rather to provide the student with the materials for forming his own judgement. Such was his treatment of those interesting and debatable personalities, Chrysostom, Justinian, Theodora, and Photius. He said of Chrysostom that 'he interpreted Christianity in a socialistic sense which has not generally been countenanced or encouraged by the Church'. He wrote like a statesman that Justinian's 'capital error' was the common fallacy that a ruler who extends his frontiers increases the happiness of his subjects; his account of Theodora is singularly judicial: he depicts, to borrow a phrase from M. Diehl, 'the Theodora of history, not that of the *Secret History*'. He admires 'the encyclopaedic learning', but refrains from summing up the 'only half-revealed personality' of Photius.

He paid special attention to Bulgarian history, and was the first English historian to make use of the Russian excavations at Aboba, which revealed the existence of the first Bulgarian capital at Pliska. He wrote several learned appendixes dealing with moot points regarding Bulgaria by the light of facts discovered since the publication of the classic work of Jireček, whose attempt to claim Cyril and Methodius as Slavs he rejected. He summed up the rival views held about the Slavonic invasions of Greece, and pointed out how the not improbable forecast in 800 of a Bulgarian Constantinople holding the hegemony of the Balkan peninsula was signally falsified. His researches extended as far north as Hungary and Russia and as far west as Venice.

His life coincided with the revival of Byzantine studies. The days are over when even scholars thought that Greek history ended with Alexander, or, at the latest, with the Roman conquest, and talked scornfully of 'the Lower Empire'. He was one of a galaxy of Byzantine scholars, who from Munich, Paris, Athens, Bucharest, and other parts of the Continent have illumined those no longer 'dark ages'. And in his own country there are younger men ready to bear the torch which he took from Finlay and carried so long and so brilliantly.

Living in Athens, I have taken the opportunity of seeking the opinions of distinguished living Greek Byzantinologists about Professor Bury's work. Professor Kl. Amantos writes:

Bury is chronologically the third of the three great English historians who have occupied themselves with Byzantine history: Gibbon, Finlay, Bury. He is, however, more objective than the other two, examines political events with broader views, more coldly and more accurately, and con-

sequently is juster. For this reason he is as an historian superior, in my opinion, to his two great predecessors.

Professor A. M. Andreades says :

I have repeatedly expressed the opinion that no contemporary historian has rendered greater services to Byzantinology than Bury. He combined the two rare and usually contradictory gifts of general ideas and of minute research into the sources, for which reason his Byzantine history is as useful to the reader who desires to have simply a complete idea of the fortunes of the Eastern Empire, as are his learned notes on the *Kletorologion* of Philotheos to the scholar who feels the necessity of inquiring into the details of its administration.

Professor Nikos A. Bees writes :

His death constitutes a real loss for science in general and especially for Byzantinology. The deceased scholar was heartily devoted to Byzantine studies and as a worker in that field was always objective in the true sense of the word. Especially I esteem his contributions to the internal history of Byzantium, to the geography and ethnology of the countries formerly subject to it, and to the civilizing influence of the Byzantines on the rest of the world. Byzantinology will certainly place the late Professor Bury among its patriarchs.

M. Ph. I. Koukoules, secretary of the Society of Byzantine Studies, of which Professor Bury was an honorary member, thus expresses himself :

Byzantinologists in Greece—unfortunately the works of the late historian are not sufficiently known to a wider circle, because they have not been translated into Greek—have the following opinion about Bury. He worthily continued the great English historical tradition, avoiding certain prejudiced opinions of his predecessors on the Byzantine world. The late historian was in a position above all others to treat of the Byzantine period, as having deeply studied ancient Greek history also, about which he likewise wrote. In Bury we admire the unprejudiced judgement, the critical spirit, and the endeavour completely to investigate and illuminate from various points of view his theme (warlike events, art, legislation, finance, army organization, trade, &c.). It was a great advantage for him to have under his eye a very rich and new bibliography, and especially to draw direct from the sources, which he knew so well, and the information derived from which he surely and correctly combined, when treating of most difficult questions, such as that of the administration of the Byzantine Empire. Besides other studies of his (about Constantine Porphyrogenetos, *The Naval Policy of the Roman Empire*, &c.) his work, *The Imperial Administrative System in the Ninth Century*, will remain a model of such publications. By his death there disappears not only one of the best historians of Byzantium, but also an excellent investigator of the problems of its public life.

Professor G. A. Soteriou, director of the Byzantine Museum, writes :

The great English historian, who by his works relating to Byzantium

revealed new horizons to the study of our medieval Empire, examining the various problems connected with it from all standpoints, did not omit the question of Byzantine art. The chapters of his *History of the Later Roman and Eastern Roman Empire* devoted to art are remarkable, as stating in comprehensive and clear lines the chief characteristic of the art of the first period. The first edition of the former book, having in view the works known before 1889 and reflecting the views generally held thirty years ago about the origin of Byzantine art, mentions the most important characteristics of the contact of the new art with the Greek and Roman, especially regarding architecture, and shows all the creative elements which it contributed, quoting the monuments of Constantinople, Ravenna, and Salonika. The second edition gives a lively and clear description of St. Sophia, and an accurate idea of its construction and ornamentation. In describing the great dome, he expresses the newest ideas of Strzygowski about its derivation from Armenian examples, in opposition to the opinions of Choisy and Rivoira, who sought its origin in the Roman baths or *nymphaea*. It is true that he does not take up a position on the question, but this is to his credit as an impartial historian, for the problem still divides specialists. Another important contribution is his characterization of the Iconoclast controversy in his *History of the Eastern Roman Empire*. Following the general lines of Diehl, he gives a lively picture of all the new germs developed in art by the struggle, and pronounces wise opinions, derived from a profound knowledge of all the historic presuppositions and phenomena of that troublous period. Valuable too are the brilliant pages of this same book devoted to the foundations of Theophilus, especially regarding the additions, form, and decoration of the Great Palace, about which he published a special study, completing in some respects the work of Labarte. The luminous thought of the late historian and his impartial judgements on art are the characteristic mark of his brilliant work of elucidating the degree of civilization and the history of Byzantium, which is really the key of European history.

Professor Adamantiou writes to me :

I have been working for years at a *History of Byzantine Civilization*, and have often had occasion to consult the works of the distinguished Byzantinologist, Professor Bury. Indispensable to every Byzantinologist are his *History of the Eastern Empire* and his edition of Gibbon. It is a pity that his *History* embraces only the first centuries of Byzantium. However, he gives us a clear idea of this very difficult era by his comprehensible exposition and deep knowledge of the sources. The new edition of the great English historian Gibbon is of the greatest assistance to students of Byzantine history. I consider Gibbon's work, although such a long time has elapsed since its publication, as the foundation of all Byzantine research. It is written with such grace, with such breadth of judgement, that it will remain a classic. Bury, by his supplements, his introduction, and additions, has renewed this work and made it an important instrument of research. If, besides Bury's other smaller works, be mentioned his excellent essay on *Byzantine Administration*, all friends of Byzantium will realize what a prominent position your distinguished compatriot holds in Byzantine scholarship as a whole.

WILLIAM MILLER.

Notes and Documents

A Benedictine Opponent of John Wyclif

THE following document is taken from a manuscript in the library of the dean and chapter of Durham, MS. C. iv. 25, which was described in Thomas Rud's catalogue, but in a superficial and rather contemptuous manner,¹ and with the unhappy judgement that it was written not much before the year 1500. The manuscript was appreciated by Raine, who made use of it in his *Priory of Coldingham*.² It is a paper book, originally belonging to the chancery of Durham cathedral priory.³ The main part⁴ of the book consists of a collection of real letters, evidently intended to serve as models of form, and arranged, according to subject, in classes, such as *Excusatoria*, *Supplicatoria*, *Deprecatoria*, *Congratulatoria*. On fo. 24 is the following descriptive note :

.L. Registrum papireum diversarum literarum de officio cancellarie monachorum Dunelmie quondam Rob. de Langchestr cancellarii & postea feretrarii Dunelmie.

Robert de Langchestre occurs as *librarius* as early as 1381,⁵ and about 2 February 1391/2 he retired *ab officio librarie ad officium feretrarie*.⁶ It seems that the offices of librarian and chancellor, if not identical, were at least held together in this and other instances.⁷ The collection of letters was therefore presumably compiled at some date before the year 1392. The date of compilation is important, for on it depends the accuracy of the intro-

¹ Rud writes of the letters : *quae accuratius examinare non videbatur operae pretium quod non magno usui hodie esse possint. Codicum MSS. Eccles. Cath. Dunelm. Catalogus* (1825), p. 310.

² *Surtees Society*, 12 (1841), p. xiii.

³ For a complete list of books in this chancery in 1421 see *Catalogi Veteres, Surtees Society*, vol. 7 (1838), p. 123.

⁴ Fos. 18^v-89^v; the other contents of the book are: fos. 1-18, part of a Latin-English vocabulary; fos. 90-112, a treatise on the *dictamen* (cf. J. and P. in the 1421 list), followed by more letters. ⁵ Durham Register II, fo. 196.

⁶ *Catalogi Veteres*, p. 10. Langchestre retired from the office of feretrar in 1397 (*Durham Account Rolls, Surtees Society*, vol. 100 (1898), p. 444), and in 1402-3 was at Finchale (*Priory of Finchale, Surtees Soc.*, vol. 6 (1837), p. cxxvi).

⁷ The names of librarians, together with those of the bishop and the prior, occur as headings in Register II (fos. 170, 196, 197), in such a way as to suggest that they had charge of the register; and conversely, it was the chancellor, John Wessington, in 1409, who had to send books to Oxford (*Catal. Vet.*, p. 40).

ductory rubric, which is in some ways more explicit than the letter itself.

The train of events described in the letter may be summarized as follows. In the last provincial or general chapter of the Black Monks, the presidents had imposed upon John de A. the duty of replying to the opinions of John Wyclif, as the rubric explains, by undertaking certain 'scholastic acts', a phrase apparently implying John de A.'s own inception, or a part in that of some one else. On the other hand, this duty was found to be a dangerous one to execute, not only on account of the offence which would be given to certain persons, and the existing unpopularity of the 'possessed' monks (as opposed to the mendicants), but also because members of the king's council had definitely forbidden John de A. to take part in any controversy which might lead to schism or disturbance. Under the circumstances, the prior took it upon himself to prevent John from carrying out the presidents' orders, an action which naturally called for the present letter of explanation. It will be seen that it is written by the person directly responsible for John's non-compliance, that is, by the prior [of Durham], to one of those who had given John the order (*imponenda duxistis*), that is, to one of the presidents of the provincial chapter.

The central figure of this episode, John de A., may most probably be identified with John de Acley (Aycliffe), a monk of Durham, who heads the *socii* at Oxford in the Bursars' Rolls at Durham, 1373-4 and 1375-6.¹ In these and the preceding years, it is only one (the senior ?) out of the number of students that is mentioned by name, so that John de Acley may have been among the unnamed *socii* any number of years previous to 1373. In 1377-8 he received from the cell of Wearmouth a 'contribution' of 20s., which perhaps points to inception in theology,² but even so can hardly fix the precise date of inception, for the money may have been paid in advance or in arrears. It is certain, however, that Acley did incept, at some date before his appointment to Coldingham Priory. In 1379-80, as sub-prior of Durham, he was seeing to the repairs of the Durham house at Oxford: he was also sent to obtain the king's licence for the bishop's election, and after the election at Durham he had to go to London for a short while.³

He was again in Oxford for some time between March 1380/1 and September 1382; ⁴ but it is another monk, Robert Blaclaw,

¹ *Durham Account Rolls*, *Surtees Soc.*, vol. 103, pp. 579, 582 (Acley: I give the various spellings with the references). There are no proper Durham college rolls until 1389.

² *Jarrow and Wearmouth*, *Surtees Soc.*, vol. 29, p. 170 (Acylyff). Cf. the contribution from Jarrow to Ughtred de Bolton in 1359 for his inception (*ibid.* p. 42).

³ *Durham Acc. Rolls*, pp. 588-9 (Acley).

⁴ *Durham Muniments*, 2^{1a} 6^{1*} Ebor. 1. Accounts of John of Beryngton. *In denariis liberatis domino Iohanni de Acley pro clerico suo pro tempore quo stetit Oxon' lxvii.s. viii.d.* Cf. *Oxford Historical Society, Collectanea*, iii. 5, 13.

who heads the students in the Bursars' Rolls, 1380-2.¹ He next appears as Master of Wearmouth, 1387-8, but not in 1388-9.² About 1390 or 1391, being then described as sub-prior of Durham and doctor of theology, he was made prior of Coldingham, the cell of Durham in Scotland,³ but was at some period excluded or driven out by the Scots,⁴ which may account for his appearance at Durham as sub-prior in July 1391.⁵ He does not appear in the list of monks at Durham in 1396,⁶ and was certainly at Coldingham in 1398-1400 and 1405-6, but was removed to give place to another prior in January 1417/18.⁷ The date of his death is not known. From this outline biography, it may be conjectured that John de Acley, after previous years of study at Oxford, became senior student in 1373, perhaps incepted in 1377-8, that after that date he kept up his connexion with the Oxford house, but as an administrator rather than as a student. It seems reasonable to connect the 'scholastic act' imposed on him by the provincial chapter, and therefore the date of the letter, with his presence at Oxford between 1373 and 1382, but more especially with the earlier part of that period, and his possible inception, 1377-8.

The letter reveals two new and interesting points. In the first place, it shows that the Black Monks, in their provincial chapter, attempted, unsuccessfully, to set up an official apologist against Wyclif. It is well known that two of Wyclif's earliest opponents were Black Monks, William Binham, of St. Albans, and Ughtred of Bolton, of Durham : ⁸ and to these, it seems, one may now add Ughtred's fellow monk and fellow student, John de Acley. It is unfortunate that evidence of the provincial chapters is scanty in these years.⁹ There are references to a chapter at St. Andrew's, Northampton, on 20 September 1372,¹⁰ and again at the same place on 8 July 1381.¹¹ The intervening chapters should have fallen in 1375 and 1378 ; and it was just at this time that the customary date for the chapter was changed from September to July.

Secondly, the letter shows the government taking action, not as afterwards, for instance in 1382,¹² to suppress heresy, but simply as an arbitrator, in the interests of quiet and order, with, if any-

¹ *Durham Acc. Rolls*, pp. 591-2.

² *Jarrow and Wearmouth*, pp. 178-9 (Aklyff, Acley).

³ *Priory of Coldingham*, pp. 62-70 (Acley, Akley, Acliff, Aclyf, Aclyffe).

⁴ *Ibid.* pp. 68-75 (Acly).

⁵ *Scriptores Tres., Surtees Soc.*, vol. 9 (1839), pp. clxiv (Aklyff), clxxiv (Akley).

⁶ *Ibid.* pp. clxxviii-ix.

⁷ *Priory of Coldingham*, pp. lxxviii-lxxx (Ackliff, Acley), p. 89.

⁸ Answered by Wyclif in his 'Determinatio' (*Opera Minora*, 1913, pp. 404-30), written apparently in autumn, 1374 (Workman, *Life of Wyclif*, i. 231).

⁹ There is a gap from 1366 to 1387 in the list of chapters in the Westminster Liber Niger Quaternus, fo. 90.

¹⁰ Worcester Liber Albus, fo. cclxvi.

¹¹ *Ibid.* fo. cccxvi ; Durham Register II, fo. 195.

¹² Workman, *op. cit.* ii. 281.

thing, a tendency in favour of Wyclif, since it is his would-be opponent whose mouth is stopped. This indicates an early stage in Wyclif's career, when he was still a social and political, rather than a theological speculator, and was enjoying the patronage of John of Gaunt, whose action we may perhaps see in the official prohibition to John de Acley. Such active intervention is not likely to have come to Wyclif's aid later than autumn, 1378, when Wyclif seems to have begun to drift away from his alliance with the Crown :¹ and the closest parallel is the interference of the king's mother, through Sir Lewis Clifford, in the Lambeth trial in March 1378.² In the same month there occurred at Oxford a curious exhibition of disrespect towards the authority of the Crown, in which three monks, of Gloucester, Canterbury, and Norwich, were implicated as the ringleaders,³ an incident which would make the government all the more ready to suppress a monastic opponent of Wyclif. If the events of the letter can be assigned to the year 1378, they would fit in well with what we know of John de Acley's movements, his connexion with Oxford,⁴ and possible inception about this time. If the letter was written in the earlier part of 1378, it would then apparently have been in 1375 that the 'last chapter' was held, which ordered Acley's 'scholastic acts', perhaps as a reply to Wyclif's then recent 'Determination' against the two monks of St. Albans and Durham. But that hypothesis involves a lapse of two and a half years before Acley set about his urgent duty, a delay which seems unaccountable and unlikely, though not entirely without parallel : one may compare the marked tendency throughout the fifteenth century to put off the duty of visitation, ordered in one provincial chapter, until within a few months of the next chapter, three years later.⁵ This practice no doubt had the practical advantage that the visitor could report to the chapter with a fresh memory. There is an instance of similar procrastination in levying the tax imposed by the chapter.⁶ On the other hand, a provincial chapter was due in 1378, either in September (according to the usage before 1372) or at the beginning of July (according to the usage after 1381), and

¹ Workman, *Life of Wyclif*, i. 314.

² *Ibid.* i. 308 ; *Walsingham*, i. 356.

³ Workman, *op. cit.* i. 307 ; *Eulogium Historiarum* (Rolls Series, 9), iii. 348-9 ; Rymer, *Foedera*, vii. 188.

⁴ It must be remembered, however, that there is no reference to any of the students at Oxford, in this particular year, in the Durham Bursars' Rolls, at least in the extracts printed in the Surtees Society's vol. 103.

⁵ The visitations usually took place in May or June, the general chapter following in July. Examples may be found throughout the Durham Registers of the fifteenth century, in the registers of Bury St. Edmunds (Add. MS. 14848), Peterborough (Add. MS. 25288), and St. Albans (*Registrum Abbatiae Ioh. Whethamstede*, vol. ii (R.S. 28), pp. 47, 108, 219).

⁶ The abbot of St. Mary's, York, had undertaken to collect part of the contribution ordered in the chapter in July 1393, but had failed to do so by April 1396 (Westminster Abbey Mun. 12388).

it seems more likely that the events of the letter followed this, in the autumn of 1378. There is a third alternative, that the events took place much earlier, soon after the chapter of 1375, but this does not agree so well with the chronology of Wyclif's career. On the other hand, the statement as to the king's personal wishes (*regemmet taliter precepisse*), if it is to be taken literally, may seem more applicable to Edward III than to the youthful Richard II.¹

W. A. PANTIN.

Durham Cathedral Library, MS. C. IV. 25, fo. 59^v.

*Excusator*² *super inibicione prioris contraria preceptis presidencium videlicet quod magister non replicet contra opiniones I. Wyclef*.³

Sui recommendacionem cum omnimodis reverencia et honore debitis tanto patri. Reverende domine, onera scolasticorum actuum que humeris domini Iohannis de A. commonachi nostri ad triennale capitulum nostri ordinis ultimo celebratum imponenda duxistis sunt gravia quodammodo et ultra forte quam creditis difficiliora, inspecta eorum et illorum quos in hac parte offenderet qualitate: nam mundus in maligno positus est⁴ ac eciam regulares possessionati patent plus solito despectui et odio apud modernos, et quod forcius est ponderandum regiis mandatis obtemperare singulos de regno convenit et oportet, nedum secundum ius humanum, verum eciam et divinum, cum omnis anima sublimioribus potestatibus sit subiecta.⁵ Revera sicut nuper excepmus, domini nostri regis preminentes consiliarii dicto domino Iohanni signanter inhibuerunt quod⁶ circa opiniones qualescumque in scolis, ex quarum ventilacione scisma vel briga in ecclesia Dei posset verisimiliter suboriri, sustinendo vel replicando presumeret sue solitudinis studium maturare, pretendentes | regemmet⁷ fo. 60 taliter precepisse. Consideratis autem omnibus que circa premissa fore previdimus attendenda, eidem domino Iohanni precepimus firmiter iniungendo quod huiusmodi opinionibus brigosis et odiosis se nullatenus immisceret vel interponeret suas partes: nam si contrarium faciat, quod libenter non sustinebimus, gravamina et pericula ecclesie nostre superventura ex instinctu malivolorum evidenter poterimus formidare, quibus in eventu minus potentes erimus obviare: quod credimus non foret vobis placitum, sed honori ordinis nostri occasionaliter derogativum, ac sepefato domino Iohanni quoad nos nominis et condicionis⁸ non mediocriter destructivum. Quocirca quesumus et humili prece deposcimus quatinus premissis intenta meditacione pensatis prefatum dominum Iohannem habere dignemini ab huiusmodi oneribus favorabiliter excusatum.⁹ Vestram reverendam paternitatem conservet Altissimus feliciter et longeve.

¹ I desire to express my thanks to the dean and chapter of Durham for permission to print this document.

² Probably for *Excusatoria* (sc. *littera*). The page is headed *Excusator*.

³ Rubric.

⁴ 1 Joan. v. 19.

⁵ Rom. xiii. 1.

⁶ The meaning of the passage really seems to demand *ne* or *quod* . . . *non*.

⁷ Manuscript seems to read *regēmet*. Unless this is a misuse of the suffix *-met* ('the king himself'), it must be an error of the copyist, perhaps for *regem et*.

⁸ *sic*.

⁹ Another hand has inserted above the line, *et ab huiusmodi iniunctione* (sic) *penitus absolutum*.

Sir Edmund Berry Godfrey, Woodmonger

ONE episode in the career of Sir Edmund Berry Godfrey appears to have escaped the attention of biographers, and as it throws a somewhat different light upon his business methods from that indicated by contemporary panegyrists I venture to make a note of it. As a woodmonger Godfrey carried on an employment which Tuke describes as 'not only creditable but known to be usually very gainful to undertakers'.

The arts he used [says Tuke] were no other than those of an ingenious industry and unproveable Integrity . . . a right and sound Integrity of mind . . . not to be corrupted by any gifts . . . nor to be warp'd or byas'd by any sinister Interests, but plain and upright, uninterested and regularly conformable to the exactest rules of Justice and Honesty.¹

On one occasion at least Godfrey acted unworthily of this praise and incurred severe condemnation. After behaving heroically during the terrible year of plague and risking his life frequently in the performance of duty, he yielded to the temptation of securing excessive profits in his business during the scarcity which followed the fire. For, when the 'Committee touching Coals and Fuelling' reported in January 1667 to the house of commons on the cause of the extraordinary price of coals,² they mentioned *inter alia*

that Sir Edmund Godfrey, a woodmonger in Westminster, confessed to this Committee, when the Woodmongers appeared before them, that he and others then sold coals to poor people at 2/- the bushel at his wharf, which amounts to £3. 12. 0 per chaldron; though he sustained no loss in his coals or fuel by the Fire, as most of the Woodmongers in London did; and his coals, when he bought them, cost but 41/- per chaldron or 47/- at the most; and he had one chaldron in every score, and two shovels of coals to each Bushel, freely allowed into the Bargain: which thing they repute a very great extortion and oppression, especially to poor People, and worthy the consideration of this House.

The house did nothing. Sir Edmund had received knighthood for his public-spirited conduct during the plague, and his confession, due to whatever cause, together with the censure implied in the report, may have been considered sufficient humiliation. The experience may have led to such an alteration in his practices as woodmonger that ultimately he may have deserved that character for upright dealing with which Tuke credits him.

ELLEN A. MCARTHUR.

¹ *Memoirs of the Life and Death of Sir Edmondbury Godfrey.*

² *House of Commons Journal*, viii, p. 676, 15 Jan. 1667.

The Last Days of Colonel Despard

No one has as yet taken the trouble to write a complete history of the 'English Jacobins', the desperate admirers of the French Revolution who did not swerve from their original enthusiasm, even after the execution of Louis XVI and the Reign of Terror had shocked most of the Whigs into an acquiescence in William Pitt's excommunication of Gallic ideas. How strong was the surviving fraction of the party which had once thought of fraternizing with the early revolutionaries across the water, we do not know. It existed, and individual members of it certainly dallied with treason after the declaration of war with France in 1793. But their numbers and their power to stir up trouble have never been estimated. How many readers of ordinary English history books have ever heard of Colonel Edward Marcus Despard, late governor of British Honduras, whose extraordinary plot to set up a 'Soviet of soldiers and workmen', to seize the Tower, assassinate the king, and proclaim a republic, caused a momentary sensation in London in 1802, but has been completely boycotted in most histories of the official Whig sort? I took the trouble some fifteen years ago to exhume the record of this rather grim personage, but found very little documentary material to help me to complete the picture of his personality and that of the soldiers and artisans who went to the gallows with him.

Quite unexpectedly there came to my hands of late an unpublished piece of evidence as to the character and bearing of Despard from a hitherto unsuggested source. It is a report addressed to Lord Pelham, secretary of state for the Home department, by the Rev. William Winkworth, of St. Saviour's, Southwark, who was acting in 1802 as chaplain of Horsemonger Lane Gaol, in which Colonel Despard and his accomplices were confined before and after their trial. Attached to it is an extract from Mr. Winkworth's diary concerning the characters and personalities of the colonel's adherents. These papers came to me from Miss Catherine Winkworth Mackintosh, of Heathfield, Sussex, whose family had inherited them from their mother, a granddaughter of the Rev. William Winkworth. Finding them among the documents, she recognized their considerable psychological and historical interest.

It is clear that Colonel Despard was a typical eighteenth-century figure, a believer like Robespierre in a vague 'Supreme Being', and a contemner of all established forms of religion, and obviously of all governments that he chanced to dislike. It may be remembered that, at his trial, it had been expected that he would either dispute all the evidence against him as suborned perjury, or else declare himself openly a revolutionist, who believed

in the right to use force against tyrants in power. He did neither, refusing either to deny that there had been a plot, or to justify it on first principles. He simply pleaded his undoubted good service of many years in the army, and refused to explain the mysterious colloquies with discontented soldiers and others at which he had been proved to have been present. He produced Lord Nelson as a witness to his excellent conduct in the expedition to Nicaragua in 1779, but would give no explanation of the reasons for which he had been imprisoned in 1798–9, or of any of his recent political activities. There can, I think, be no doubt that he was a typical British Jacobin, and a most dangerous personage.

C. W. C. OMAN.

I.

*(MS. begins without heading—a rough draft without title or preamble—
but obviously addressed to the Home Secretary)*

My Lord

Having this day officially attended the execution of Col: Despard and his Associates, and supposing that your Lordship might wish to be acquainted with their behaviour during the time they have been under my ministerial care, I beg leave to submit the following statement for your Lordship's perusal.

My first visit to the Colonel was on the day the Special Commission was opened. Having introduced myself as the Chaplain, I said I supposed he was too much engaged in preparing for his trial to attend anything else. He answered, 'I have always through life made a point of doing my own business myself, though on the present occasion I shall have Counsel'.

I understood him to mean that he would dispense with my assistance, and said 'I did not then come so much with reference to the duties of my office, as to see whether he had all the accommodations his situation would admit of'. He replied he had expressed his obligations to me for my attention to him in this respect, and thinking that I felt hurt at his first address, repeatedly apologized and wished me to believe that he had a respect for my office; and also mentioned that he had read a great deal of Theology and that he had made up his mind on religious matters. I thought it prudent at that time to avoid all controversy, and was taking my leave by offering my assistance to procure him such comforts as were in my power, when he asked whether the Judge had delivered his charge. I answered¹ yes, and that the Grand Jury were then sitting on his case.—His behaviour on this and every other occasion was very polite.¹

The day after his trial, I sent him a note, intimating that, if he was not too fatigued, I would pay him a visit, or would wait upon him the next day. After two attendances, I got an interview. The usual salutations being past, I asked him whether, being an Irishman, he had not been educated in the Roman Catholic Religion, in which case he might have a Priest to attend him, otherwise I was come to tender my services. He replied he had sometimes been at eight different places of worship on the same day,

¹ After I retired, he said rather shrewdly, 'So the Clergyman has been to see me before the Bill of Indictment is found!'

that he believed in a Deity, and that outward forms of worship were useful for political purposes: otherwise he thought that the opinions of Churchmen, Dissenters, Quakers, Methodists, Catholics, Savages or even Atheists were equally indifferent.' I urged the propriety of a public acknowledgement of God as the supreme governor, and universal Friend; and which sentiment appeared to have been adopted by the whole human race, either from an original common, though generally corrupted tradition, or from a universal sentiment, unaccountably though strongly imprinted on the human mind. He then offered some criticisms on the words *Altar* and *Ecclesia*, which if my memory does not fail were quotations from Thomas Paine's *Age of Reason*.—I then presented Dr. Doddridge's evidences of Christianity, and begged as a favor that he would read it. He then requested that I would not 'attempt to put shackles on his mind, as his body (pointing to the iron on his leg) was under so painful a restraint, and said that he had as much right to ask me to read the book he had in his hand (a treatise on Logic) as I had to ask him to read mine', and before I could make a reply Mrs. Despard and another lady were introduced and our conversation ended—At our parting said 'he should always be glad to see me as a *friend*', laying a strong emphasis on the last word. I left the book on the table, but have reason to think he never read it.

Several other times I went up to his room, but the moment he saw me, he apologized that he was very much engaged, by which I understood he did not wish to see me, and I ceased my visits till the day before his execution, when, in the presence of the Keeper, I informed him of his fate. He was a little agitated and complained of the shortness of the warning, and of his being the only exception of the four recommended to mercy. I told him his case might be peculiar and proper for exception. I then asked him if he would permit me to visit him in the evening, when he begged to be excused. I asked him if he was fully determined to go out of the world without making any profession of Religion! but he requested I would not trouble him 'on this subject'. I said he must be sensible that what I had done was no more than my duty, which he acknowledged, but wished to be left to himself.

He went to bed before 8 o'clock, but soon got up again, and, as the attendant informed me, walked in a state of agitation backwards and forwards, frequently fetching very deep sighs, and broke out in a kind of soliloquy, 'No—Never—not for all the treasure in the Treasury nor for all the jewels the King has got'. Though necessarily brought to the Chapel door this morning whilst I was performing Divine Service, he refused to come in.—He complained to me, in an anti-Room, waiting whilst his companions were fixed to the fatal tree, 'that he was cruelly used by government', but what he said was the substance of his speech to the multitude, which no doubt your Lordship is before this acquainted with, therefore I will not trouble your Lordship with a recital. He died without even joining with us [*Crossed out*: 'with me and the other prisoners'] in the Lord's Prayer, though repeated in his hearing.

The other prisoners, in a general way, behaved with decency and propriety, except Francis and Wood, the two soldiers, who were sometimes, particularly the former, very violent. But all of them complained of false evidence produced against them; on my observing to them that this was

perhaps only in some legal points, Graham was convinced, and all acknowledged that they knew for what purpose the Association was formed.— This morning I asked them severally (except Macnamara who, being a Catholic, had his own Priest to attend him) previous to the administration of the Sacrament whether they were not guilty, which all except Francis confessed. Wood said he had rather die now, for he believed he should never be so well prepared again. Francis, tho' strongly pressed, was unwilling to say that he was wrong in this affair. I reasoned with him on the absurdity and wickedness of denying so plain a fact, for whatever might be said in extenuation of the guilt of some others, *his* crime was apparent to every unprejudiced mind who knew anything of his transactions. 'That he particularly, being in His Majesty's pay, was especially bound by general duty, as well as by his oath of allegiance, not to conspire against the King, and that he had broken his oath.' He replied 'that he had not broken his oath, and that he did not intend or wish to hurt any of the Royal Family'. Though, my Lord, I was not satisfied with him, yet, knowing the violence of his spirit, I thought it prudent to urge him no further, lest he should become passionate and thereby cause confusion and retard the execution.

As I understood that Macnamara was supposed to know more of the conspiracy than the others, except Despard, I this morning spoke to Mr. Griffiths, the Priest, to request that if he found he knew anything material, that he would enjoin him to divulge it to a proper person, and mentioned Sir Richard Forde, which he promised to do, but nothing transpired. . . .

[MS. ends.]

II.

Memorandum on foolscap paper (seems to be a rough copy with several errors and corrections)

It may perhaps be satisfactory to some individuals to have a description of the persons and other circumstances of Colonel Despard and his fellow-sufferers. I therefore subjoin the following, which is the best account I have been able to procure.

Colonel Despard was rather above the middle size, remarkably well proportioned, fifty-two years of age but looked much older, owing most probably to his having passed seventeen years of his life between the Tropics in military service. He has left a widow, but whether any offspring I cannot tell, as no other relation besides her, as not [or as such] visited him during his confinement. In justice to Col. Despard I here take the opportunity to say that, though he made no profession of Religion, his conversation was never profane, nor did he at any time during his confinement speak disrespectfully or contemptuously of anybody, except the evidences against him. In my letter to the High Sheriff I have stated a circumstance which upon further information I find is not quite correct, as to the time and expression, but no variation in substance—When I went to the prison on the morning of the execution, the man who had sat up with him a part of the night, told me of a speech that he made the preceding evening, which has appeared in my printed letter, and not having an opportunity to see the man again till after my letter went to the press, I could not alter it. But the fact is this.—After the Col. had taken leave of his

friends, he walked about the room, apparently agitated, and frequently sighed. He then layed down on the bed, and after some time exclaimed with vehemence, 'Me—No, never. I'll divulge nothing, no, not for all the treasure and jewels the King is worth.' The attendant went to his bed and asked him if he was asleep? He replied no. 'Do you know what you have said?' He answered 'Yes, and I said it that you might hear'.

As I am assured that no overtures, either direct or indirect, were made to him by Government, it is difficult to determine to what this speech could refer. But it is evident that it was his wish that it should be made public, and my noticing it will answer that purpose. It has been said in the public prints that, just before he was turned off, that the Col. said something to Francis about the weather. That he spoke to Francis I can testify, but it was in so low a tone of voice that I could not distinguish what was said, and I much doubt whether it could be heard by any one else.—At our final parting he wished me health and happiness.

John Francis was a native of Worcestershire, aged 29, bred a shoemaker, and for the last ten years had been a soldier. In his person was tall, well proportioned and handsome. [*Crossed out*: His constitution was considerably broken.] He has left a widow and two small children.

John Wood, aged 25, a labourer and soldier, has left a widow only. His person was tall and thin and of a pleasant countenance.

James Sedgewick Wrattan, born in Kent, aged 33, by trade a shoemaker. Has left a widow and two small children. His person was of the middle size, very thin, pale complexion and mean in his appearance.

Thomas Broughton, a carpenter, aged 25, born at Stamford in Lincolnshire, was short, sallow complexion, and generally had a smile on his countenance. A widow and two small children survive him.

Arthur Graham, aged 53, by trade a slater, was born in Westminster, and has left a widow and one daughter grown up. He was tall, a sallow complexion, and had a sottish appearance, which might be expected from his immoderate use of spirits. He told me that, on the loss of an only son at sea, he took to this unhappy practice, which I believe in some measure was the cause of his untimely death.

John Macnamara, a native of Ireland, 40 years of age, by trade a carpenter. He was of the middle size, stout made, of a florid complexion and pleasing appearance. Had been married to his second wife only a month before his apprehension. He left a son by a former wife able to support himself.

[*MS. ends.*]

*Palmerston on the Treaty of Unkiar Skelessi*¹

PALMERSTON wrote to William Temple on 8 October 1833, 'The Cabinet meet the 3rd November, and then we must consider this Eastern Question, and give instructions about it'.² These

¹ F. O. Turkey, 78/220, Palmerston to Ponsonby, 6 December 1833. Copies were sent to Paris, Vienna, and St. Petersburg.

² Ashley, E., *Life of Palmerston*, i. 292. I am unable to find any further trace of

instructions, which are printed below, were dated 6 December 1833. They are significant because they are the first expression of the government's views on British interests in the Levant after the alarming events of 1833, and because they serve to explain British policy in regard to Turkish affairs for nearly six years. In 1839 Palmerston, like a true Canningite, found in co-operation with Russia the means of freeing the peace of Europe from the threat of independent Russian action in Turkey under the terms of the Treaty of Unkiar-Skelessi of 8 July.

The two chief aims of British policy in this quarter from 1833 to 1839 were, first, to prevent a renewal of Russian intervention in Turkish affairs, and eventually to destroy the Russian sole protectorship of Turkey acquired in the treaty of 8 July; and secondly, to maintain the peace between the sultan and Mehemet Ali by dissuading both from attempting any measure which might lead to a renewal of hostilities.

It will be noted that the dispatch expresses the government's opinions as to general policy. The cabinet was slow, however, in deciding upon the definite means of supporting that policy. The Russian danger appeared so great at the time that Vice-Admiral Sir Josiah Rowley was secretly instructed on 31 January 1834 to sail up the Straits in order to assist in defending Constantinople against a Russian attack, if the Turkish government should request such aid through the ambassador, Lord Ponsonby.¹ Yet Mehemet Ali, who was most likely to cause the Russians to return, was to be dissuaded from renewing the conflict by the remonstrances of Great Britain and France. It was not until June 1838 that the cabinet was prepared to give naval aid to the sultan against Mehemet Ali, 'if necessary and demanded'.²

The severe strictures passed on the Austrian cabinet for its apparent desertion of Austrian and of European interests are accounted for by Palmerston's ignorance of the change in Russian policy towards the Ottoman Empire from 1829, and by his lack of confidence in subsequent Russian declarations. Metternich enjoyed the tsar's confidence in this matter, and he not only gave credence to the change professed, but even approved of Russian conduct on the Bosphorus.³ Palmerston's hope that Austria

this cabinet meeting, either in F.O. 96/17 (Minutes, Memoranda, and Drafts of Palmerston, 1830-4), or in the published correspondence and memoirs of Grey, Melbourne, Broughton, and Russell.

¹ F. O. Turkey 78/234, Palmerston to Ponsonby, 10 March 1834 ('Secret'). These instructions were countermanded by Wellington on 16 March 1835, chiefly because Russia had refused to support the sultan in his meditated attack upon Mehemet Ali in the autumn of 1834. F. O. Turkey, 78/251.

² Ashley, i. 351, Palmerston to Granville, 8 June 1838. Palmerston wrote to Granville on 5 June 1838 that his own mind had long been made up that the sultan ought to be supported vigorously.

³ So late as 7 June 1838, Palmerston wrote to Granville his opinion that once the

would free herself from Russian influence was realized in some measure when the relations between the two eastern empires became less cordial in 1839. Tsar Nicholas, when he found that Russia was threatened with diplomatic isolation on the Eastern Question, sent the Brunnow mission to London to propose the co-operation of Great Britain and Russia in the pacification of the Levant.

The original instructions to Ponsonby on his appointment as ambassador to the Porte, dated 11 December 1832, appear to be missing.¹ On 5 December 1832 Mandeville was instructed to reply to the sultan's request for naval aid against Mehemet Ali, that his majesty's government deeply regretted the aggressions of that pasha against his sovereign, but that there were great difficulties in the way of complying with the sultan's request.² Further evidence that Palmerston disapproved of the nature of the pacification of 1833 appears in the general instructions to Colonel Campbell, dated 4 February 1833, in which he expressed regret that territorial cessions on the part of the sultan were necessary.³ Palmerston informed Ponsonby on 10 May that orders were given to Sir Pulteney Malcolm to station his fleet off the Dardanelles, but in no case to enter the Straits without express orders from the admiralty.⁴ This inopportune gesture, which recalled Admiral Duckworth's forcing of the Straits in 1807, seems to have convinced the wavering Turkish ministers that the treaty with Russia was necessary. Palmerston instructed the ambassador on 7 August to endeavour to prevent the ratification of the Treaty of Unkiar Skelessi, but the dispatch reached Constantinople after the ratification had taken place.⁵

The truth seems to be that the swift succession of events in the Near East caught Palmerston preoccupied, unprepared, and belated. There is a thinly veiled admission of this in the sentence, 'Preparations, however, have been made, and are still making, to enable H.M. Gov't. to deal with future circumstances according to the view which may be taken of the exigencies of the moment'.

R. L. BAKER.

Russians occupied Constantinople and the Dardanelles they would never quit those points (Ashley, i. 351). The reasons which underlay the change in Russian policy towards Turkey from aggression to protection are discussed at some length in F. Martens, *Recueil des Traités*, xi. 412-13, Nesselrode to Lieven, 22 September 1829. There is a full account of the change of policy in S. M. Goriainow, *Le Bosphore et les Dardanelles*, pp. 25-81.

¹ They are not to be found either in the General Correspondence, F. O. Turkey, 78/220, or in the Foreign Archives, F. O. Turkey, 195/109; nor does it appear that copies were sent to Naples, Paris, Vienna, or St. Petersburg.

² F. O. Turkey, 78/212, Palmerston to Mandeville, 5 December 1832. The king's letter to the sultan was dated 7 March 1833 (F. O. Drafts, 1814-40, 96/2).

³ F. O. Turkey, 78/226, Palmerston to Campbell, 4 February 1833.

⁴ F. O. Turkey, 78/220, Palmerston to Ponsonby, 10 May 1833.

⁵ F. O. Turkey, 78/220, Palmerston to Ponsonby, 7 August 1833.

Viscount Palmerston to Lord Ponsonby

F. O. Turkey, 78/220, No. 23.

' App. William R.'
Foreign Office, 6 December 1833.

Your Excellency's Despatches to No. 90 inclusive have been received & laid before the King.

H.M. Govt. have observed with entire satisfaction the able & judicious manner in which Y. E. has conducted yourself in difficult circumstances, & they approve of the language which you have held, as reported in your Despatches. The statements contained in Y. E.'s communications contain matter requiring the serious attention of H.M. Govt.

No reasonable doubt can be entertained that the Russian Govt. is intently engaged in the prosecution of those schemes of aggrandizement towards the South, which ever since the reign of Catherine have formed a prominent feature of Russian policy.

The Cabinet of St. Petersburg, whenever its foreign policy is adverted to, deals largely in the most unqualified declarations of disinterestedness ; and protests that, satisfied with the extensive limits of the empire, it desires no increase of Territory, and has renounced all those plans of aggrandizement which were imputed to Russia under its former Sovereigns, professing, however, to doubt whether those plans were ever really entertained.

But notwithstanding these declarations, it has been observed, that the encroachments of Russia have continued to advance on all sides with a steady march, & with a well-directed aim ; and that almost every transaction of much importance, in which of late years Russia has been engaged, has in some way or other been made conducive to an extension, either of her influence, or of her Territory.

The recent events in the Levant have indeed, by an unfortunate combination of circumstances, enabled her to make an enormous stride towards the accomplishment of her designs upon Turkey, and it becomes an object of great importance for the interests of Great Britain, to consider how Russia can be prevented from pushing her advantage further, and to see whether it be possible to deprive her of the advantage which she has already gained.

The first quarter to which the British Govt. would naturally look for counsel & for aid, in the accomplishment of these purposes, is undoubtedly Austria. The real interests of Austria & Great Britain in this matter are the same ; the only difference is that, by reason of geographical position, the interest of Austria in checking the encroachments of Russia is still greater than that of Great Britain. But Austria seems to have abandoned, on this subject, her antient and natural policy ; & whatever her motives may be, & whatever may be the compensation she may expect for the sacrifice she has made, she appears to have surrendered to Russia the exclusive Protectorate of Turkey, & to have submitted to follow the lead of the Russian Cabinet in all that regards the affairs of the Levant.

Had the views of the Cabinet at Vienna corresponded, as they ought to have done, with those of H.M.'s Govt. on these matters, a stand might at once have been made against the Treaty of the 8th of July ; and Austria, France, and Great Britain might have called upon the two parties to annul

a compact, to which those three Powers are so justly entitled to object. But Prince Metternich, who, before the Treaty was concluded, declared he would not believe that such an engagement was in contemplation, because the existing relations between Austria and Russia made it impossible that the latter should form such a Treaty without the knowledge of the former, no sooner found that the Treaty had been ratified, than he bestowed upon it his unqualified approbation, & declared it to be a compact highly advantageous to the interests of the Ottoman Porte. However untenable in argument the position thus taken up by the Austrian Cabinet, yet the fact of their having taken it up, renders it at least imprudent for Great Britain & France to found upon the Treaty any measures of decided hostility.

What the objects of the Treaty are, & what its tendency must be, none can doubt, but those who are wilfully blind. Against those objects and that tendency the British Govt. has protested, and for the present we rest upon the ground which we have thus taken, & wait to see the course of events. Preparations, however, have been made, and are still making, to enable H.M.'s Govt. to deal with future circumstances, according to the view which may be taken of the exigencies of the moment.

In some respects the Russian Govt. has great advantages of position for the execution of any plans which it may contemplate. The Russian fleet in the Black Sea & the Russian Troops in the Crimea are within a few days' sail of the Bosphorus, and may at any time return thither, before the British Squadron could arrive to prevent them, let it be stationed where it may, if not actually within the Dardanelles. But Russia would not risk the consequences which would follow a reoccupation of the Bosphorus, without an invitation from the Sultan; & the Sultan would not give her an invitation unless to relieve himself from some great and pressing danger. That danger could arise only from a renewed rupture with Mehemet Ali, or from some serious insurrection in some part of the Turkish Empire.

The influence of Great Britain & France has been, & will be, exerted to prevent Mehemet Ali from commencing any aggression against the Sultan; and while those two Powers have a strong naval force in the Mediterranean, there can be little chance that the Pasha of Egypt will, in neglect of their remonstrances, again take up arms against his Sovereign.

Your Excellency is instructed, on the other hand, to take every proper occasion strongly to deprecate any proceedings on the part of the Sultan, calculated to excite Mehemet Ali to swerve from his present peaceable course; & you will not fail to point out how much the Sultan, by doing so, would render himself the instrument of Russia, to work out his own degradation.

Insurrections in Turkish Provinces are so frequent and so general, that they may be considered almost as an ordinary and natural Condition inherent in the Internal Economy of the Ottoman Empire. They usually arise either from the overweening Confidence of some Provincial Pasha in his means of Resistance against the Sultan; or in the Desperation of some local population whose grievances have become Intolerable, and who have no other means of obtaining Redress. Coercion or Concession generally put an end to these partial disturbances, without any material

derangement of the general system ; and Your Excellency is instructed upon all occasions of this sort most strongly to impress upon the Porte the Expediency of having recourse to national means for putting down such Revolts ; and not to involve the Turkish Government in the serious Embarrassments of many kinds which must inevitably ensue, if they were to call for Russian assistance to put down Internal disturbances.

In giving such advice to the Porte, Y. E. will be careful to explain, that you do so as the Minister of a friendly State, which has no other Interest in these matters, and no other aim in view, than to maintain the Integrity and Independence of the Turkish Empire, as an Important Element in the general Balance of Power. But the great object which the British Govt. ought to endeavour to accomplish, during the suspension of active operations, which the Winter will naturally bring with it, is to open the eyes of the Sultan to the real nature of his Position ; and to withdraw him, if possible, from the fatal Alliance to which at present he is bound. For this purpose also the Cooperation of Austria would have been most valuable, because her Influence at Constantinople is well known, and has been often felt. Without her aid, the Task is indeed difficult, but still may not be impossible. The good sense and shrewdness of the Turkish people, and their national Jealousy of the Russians, must predispose all but the Sultan, and the agents of Russian Influence, to listen to the Truths which may be stated to them on this subject.

It may be represented to the Turkish Govt., that by contracting this Russian Alliance the Sultan, while he endeavours to escape from one danger, exposes himself to another Danger, greater, and far more certain ; that by placing himself thus under the Protection of Russia, he will soon find himself under her absolute Control ; and that the example of Poland may serve as a warning to shew, how rapid is the Transition from Dependence, to Subjugation, and Partition.

It may be stated that Russia can be at no loss for occasions for the furtherance of her Designs ; and that a fresh quarrel with Mehemet Ali will no doubt be excited, in order that it may afford a Pretext for renewed Interference ; but that it by no means follows that Interference, begun upon the plea of resisting Mehemet Ali, might not ultimately lead to an arrangement with that Pasha for a division of Spoil ; and thus the Danger, with which the Sultan conceives himself menaced, may be rendered greater and more imminent, even by the very Means by which he seeks to avert it.

It may be urged, moreover, that any danger arising from the discontent of the subjects of the Sultan would be increased rather than diminished by the Interference of Russian Troops, because the Revolt, which was in the beginning local, and was created by Local causes, would be spread over larger Districts by the National Hatred for the Russians and might in the End become as Universal as that Sentiment itself. It might be represented to the Sultan, that all these Inconveniences and Dangers might be avoided, by reverting to the antient Policy of the Porte ; and by looking for aid to England whose Interests cannot be adverse to those of Turkey, instead of leaning upon a Powerful and systematically Encroaching Neighbor. That if the alarms of the Sultan are really excited by Mehemet Ali, Great Britain can effectually control the Pasha, and protect the Sultan from such Danger ; and it may be added that so long as the Ottoman

Empire continues really Independent, and does not become the Satellite of any other Power, the Disposition of Great Britain to assist the Sultan, will always be equal to her Power of doing so. But if the British Govt. should ever be reduced to the necessity of choosing between the Establishment at Constantinople of the Power of Mehemet Ali, or the subjection of that Capital to the Power of Russia, it would be impossible that we should not prefer the former of these alternatives. Such a choice His Majesty's Government hope never to be compelled to make, and it surely cannot be wise in the Sultan, to pursue any course, which might tend to force upon Great Britain so unwelcome an option.

Y. E. is instructed to avail yourself of every favourable opportunity to urge upon the Turkish Govt. these Considerations, and such others of a similar kind as may suggest themselves to your mind. If by such means a crisis can be postponed, and Time can be gained, much good will have been effected.

It is not unreasonable to hope that, when the Sultan shall have recovered from the immediate Influence of his late Alarms, he may take a juster view of his own Interests. The Bonds which at present unite Austria to Russia may not prove lasting ; and the Cabinet of Vienna, if it has not entered into Partnership with that of St. Petersburg in schemes of Partition, may resume its Independent Position in Europe. Great Britain would then have ample means, in conjunction with its several Allies, to prevent the accomplishment of the ambitious Plans of Russia in the Levant ; and to avert the Dangers which would arise to Europe from the Extension of her Power in that Quarter.

Reviews of Books

Essays in History presented to Reginald Lane Poole. Edited by H. W. C. DAVIS. (Oxford: Clarendon Press, 1927.)

THE publication of a collection of essays in medieval history presented to Dr. R. L. Poole is a welcome and well-deserved recognition of the varied services to historical study rendered by one who was for thirty-five years engaged in the editing of this Review, and who was its sole editor for more than half that period. This volume naturally follows on the lines of, and is perhaps consciously modelled upon, the similar volume presented two years ago to Professor Tout.¹ Dr. Poole was one of the contributors to that volume, as Professor Tout is to this. The two volumes have eight contributors in common. Each consists of between twenty and thirty essays written by colleagues, pupils, and friends of the scholars to whom they are respectively dedicated; and the contents of each range from the beginnings of English history to the end of the middle ages.

Works of this description testify alike to the width of an historian's studies and to the extent of the obligation felt to a friend and master. They cannot hope to cover all the fields of research of the person whom they commemorate. The papal chancery, the English exchequer, medieval chronological systems, John of Salisbury, the English schoolmen, ecclesiastical archives, are all subjects upon which Dr. Poole is an acknowledged authority but which find no direct treatment in the volume before us. This was almost inevitable. A *Festschrift* succeeds in its purpose if it unites a series of essays by writers whose studies lie in the same general direction as those of the recipient, and Professor Davis has certainly succeeded in getting together an interesting set of historical essays. Diplomatic is represented by an essay by Mr. Crump on the history of the clause 'eo quod expressa mentio', which was introduced into letters patent in consequence of a statute of Henry IV, and which amounts to 'a *non obstante* clause applied to a statutory prohibition of a *non obstante* clause'. Palaeography, sister science to diplomatic, has a contribution by Mr. Madan, whose paper on the localization of manuscripts sets out anew some of the recognized guides for assigning to manuscripts their place of origin. The longest essay in the volume, which will interest legal historians as well as students of medieval administration, is by Professor Tout. He writes of the household of the chancery and of the lodging provided for the chancellor's clerks. In the course of this paper he makes it clear that the clerks of higher degree, predecessors of the later masters of chancery, had temporary lodgings provided for them. The inns of chancery in which they

¹ *Ante*, xli. 274-6.

resided developed naturally into schools for training clerks in chancery usage, and, through a growing demand for legal education, had come by the fifteenth century to play their later role as preparatory schools of the common law. Not till then did they come to acquire any permanency, and it is impossible to prove the continuous existence of any single inn from an earlier period. Mr. Hilary Jenkinson's description of the bonds of a twelfth-century money-lender and financier, William Cade, whose roll of debts he has previously published in this Review,¹ touches alike upon diplomatic and upon exchequer practice, his main conclusion being that not only did Cade directly finance the Crown, but his private loans were often closely connected with exchequer business. The career of a medieval minister of the Crown, John de Benstede, controller of the wardrobe and chancellor of the exchequer in the latter part of the reign of Edward I, is narrated in a posthumous paper contributed by Mr. Kingsford. As controller of the wardrobe, Benstede was head of the secretarial department of the royal household. During vacancies in the chancellorship he held the Great Seal. He was employed on various diplomatic missions abroad. Extracts from accounts of his expenses on a series of his missions are printed as an appendix to the paper.

Early Anglo-Saxon history is the subject of two essays by Professor Stenton and Sir Charles Oman respectively. The former investigates the rulers of the obscure kingdom of Lindsey, whose names are recorded in the ninth-century list of English dynasties and in the genealogies of Florence of Worcester. Sir Charles Oman writes of the boundaries of Gloucestershire. Originally carved out of the kingdom of the Hwiccas, the modern county has been formed by the union of the shires of Gloucester and Winchcombe in the beginning of the eleventh century, and the boundary was then so drawn as to include within the new county outlying estates of its greater monastic houses. Two papers deal with Norman royal charters. Professor Tait condemns as spurious a charter of William the Conqueror to Coventry Abbey. Professor Davis prints and discusses some documents of the period of the anarchy in Stephen's reign. He deals in turn with the succession to the sheriffdom of Worcestershire; a grant by Stephen of the earldom of Hereford to Robert Beaumont, earl of Leicester; and the itinerary of the Empress Matilda in the years 1139-42. Other essays on English political history are contributed by Mr. Brooke on a register of letters of Master David of London and the part played by him in the Becket controversy; by Mr. Austin Poole on the offer of the kingdom of Arles by the emperor Henry VI to Richard Cœur de Lion; and by Mr. J. G. Edwards on the negotiations that led up to the treaty of Leake in 1318.

It is appropriate that a volume of essays presented to the editor of Bale's *Index Scriptorum* should contain articles treating of medieval authors. Professor Haskins and Professor Powicke disentangle the works of writers named respectively Bernard and Alexander. More than one master of rhetoric in the twelfth century bore the name of Bernard, and Professor Haskins proves the Italian origin of the *Summa Bernardi* sometimes attributed to Bernard of Tours. Professor Powicke convincingly disintegrates the composite biography of Alexander of St. Albans, showing

¹ *Ante*, xxviii. 209.

that two thirteenth-century theologians, Alexander Cementarius and Abbot Alexander of St. Augustine's, Canterbury, have been confused by Bale and his successors ; that this composite personality has been credited with the works of a fourteenth-century Italian, Alexander Fasitelli ; and that treatises advocating papal claims against Lewis of Bavaria have been mistaken for anti-papal pamphlets of the reign of King John. Mr. Little's article on Thomas Docking contains an interesting study of the biblical commentaries of that Oxford Franciscan friar. That puzzling compilation, the *Historia Aurea* of John of Tynemouth, is the subject of an article by Mr. Galbraith. The affinities of this work with the continuation of Walter of Hemingburgh, and even the relation of the different manuscripts of the *Historia Aurea*, present problems which find no easy solution ; but Mr. Galbraith definitely proves that the full text of John of Tynemouth's work did not reach St. Albans until shortly after 1420, and that he must consequently be excluded from the series of St. Albans chroniclers. Mr. Previté-Orton contributes a study of the authors cited in the *Defensor Pacis* of Marsiglio of Padua. Marsiglio's reading chiefly consisted of the New Testament, the glosses of Anselm and Walafrid, the *Catena Aurea* of Aquinas, Pseudo-Isidore, and Aristotle.

Of the other essays in this interesting volume we can mention but three. Mr. Salter publishes extracts from a memorandum book of Master John Arundel which throw new and interesting light on life in Oxford halls in the early fifteenth century. Mr. Baskerville gives the results of extensive and thorough research into the careers of dispossessed members of religious orders after the suppression of the monasteries. His sane and unprejudiced account of the provision made for them deserves careful study. Finally Mr. G. N. Clark makes use of his experience as editor of this Review to describe the methods, the ethics, and the common sense of historical reviewing.

H. H. E. CRASTER.

Welsh Tribal Law and Custom in the Middle Ages. By T. P. ELLIS, M.A.
2 vols. (Oxford : Clarendon Press, 1926.)

THIS is a valuable treatise on the Welsh Laws based on a study of the various codes, supplemented by the North Welsh surveys, including the author's recently edited Survey of Bromfield and Yale.¹ Mr. Ellis has also drawn from the tribal laws of the Anglo-Saxons, the Irish, and the Germanic tribes as well as from Roman law, and has thus been able to point to many interesting comparisons in tribal practice. The work does not claim to give a complete description of Welsh society, but within the limits of its title it is exhaustive and authoritative.

The publication of the Ancient Laws of Wales by the Record Commission in the middle of last century showed that the Welsh Laws were a genuine codification and not mere amendments to unwritten custom. Hitherto, however, the codes have been consulted mainly for the study of tribal organization, and little attention has been given to Welsh jurisprudence and to the Welsh juridical system. It is this gap which Mr. Ellis has set himself to fill, and some of the most instructive parts of the book are those dealing with the Welsh civil and criminal law and the

¹ Hon. Soc. of Cymmrodorion, Record Series, no. 11.

Welsh judicature, concerning which our knowledge has been woefully inadequate. Incidentally, we are confirmed in the view that the Welsh were in much the same stage of political development as were the other peoples of western Europe during the post-Roman period; that the influence of Roman on Welsh law was negligible; that Welsh law resembled in principle the laws of the various Germanic and other tribes; that the standard of Welsh jurisprudence was not inferior to that of other peoples, and in some respects marked an advance, notably in the matter of punishment. There is little doubt that our impressions of medieval Wales have been coloured by the writings of Giraldus Cambrensis and others, who described customs with which they were unfamiliar. But the criticisms of Giraldus have been taken far too literally, and his denunciations of incestuous marriages and the like merely reflect the reforming policy of the alien Church in medieval Wales.

The author's aim is not to establish theories but 'to record facts and arrange them in intelligible sequence'. But it is not always easy to distinguish thus between fact and theory, and a work on such a subject would have gained both in meaning and in compactness if it were based on a judicious development of fact and theory. The work is readable, but at times the general picture suffers through the introduction of too much detail and the argument is forced in the effort to secure completeness. The South Wales material (apart from the codes) is quite inadequately treated, sometimes incorrectly, and is so obviously appended that it could well have been excluded. The book, indeed, might with advantage have been brought within smaller compass.

Not all parts of the work are of equal merit. Certain chapters are well treated, though some of the findings may be open to question and little is said to suggest the difference in conditions in different parts of the country. It is not always possible, too, to follow the author in his claim to distinguish between early custom and later developments, and he dogmatizes rather loosely upon the Welsh or non-Welsh origin of the serjeantry and of such customs as mill-work, prise of ale, &c. The absence of any mention of these in the Laws must not lead us to assume that they were unknown in Welsh custom. Here we have a weakness inherent in any study based solely on the Laws without corroboration from other sources, and Mr. Ellis himself seems more at home in dealing with law than with custom, if we may distinguish between them.

Where Mr. Ellis is able to turn to the later surveys, he is on firmer ground and the sections dealing with tribal organization and landholding are of more general interest in view of the researches of Seebohm and Vinogradoff. He has carried the subject forward and in the main has established his case. It is to be regretted, however, that he concerns himself more with refuting the theories of Seebohm than with building up his own thesis, and this has affected the entire treatment. As a reader, with a brief for neither party, I feel that Mr. Ellis fails to give equal emphasis to facts which may assist the contrary view, while some of the evidence adduced from the surveys against the Seebohm view throws little light on either side. Allowance, too, hardly seems to have been made for the change which has taken place in our conceptions of the subject since Seebohm's day. The subject has certainly suffered from 'termino-

logical inexactitude', but the Triads, upon which Seebohm relied for some of his material, have long since been discredited as sources of reliable information. Vinogradoff, too, showed the importance of cognatic relationship in tribal society. A kindred would continue as long as the family held together, but blood relationship could not be severed and, within this relationship, special relationships within certain degrees were legally recognized. Difficulty has arisen mainly through confusion between the actual family and these legally recognized groupings with familial rights and obligations. Mr. Ellis rightly emphasizes the fact that the latter are the 'computable relationships' of individual tribesmen and not the kindred as a body, for the kindred might continue through an indefinite number of generations, shedding new stocks, not at fixed intervals, but as economic pressure or personal initiative determined. Examples are taken from some of the large kindreds in North Wales, but these are mainly 'royal tribes', and pride of lineage alone might suffice to keep these great clans together. The evidence for large parts of Wales by the thirteenth and fourteenth centuries seems to be against the existence of very large kindred groupings at that date, and the author has misinterpreted the two examples taken from South Wales (i, p. 156).

It is impossible within brief space to raise even important issues, but it is doubtful if the author has brought out to the full the difference in principle between the agnatic relationships in four degrees and the looser cognatic groupings. Neither is his case for landholding wholly convincing. The passages in the Laws which govern landholding, and upon which earlier theories were based, are held by the author to apply, not to the tribal land (*tir gwelyog*), but to special acquisitions including appropriations of the tribal land in severalty. Nor has Mr. Ellis proved his case for the position of illegitimate heirs in Welsh law. In this connexion it may be pointed out that in the Crown lordship of Builth, in the fourteenth century, illegitimate children still had equal rights with legitimate children in landholding.

We may not agree with Mr. Ellis in all particulars, but we are indebted to him for a work of solid worth. The book is a noteworthy contribution to the literature on tribal law and is to be commended to all students of social history and historical jurisprudence.

WILLIAM REES.

The Social Structure of Medieval East Anglia. By DAVID C. DOUGLAS. (Oxford Studies in Social and Legal History, edited by the late Sir PAUL VINOGRADOFF, vol. ix.) (Oxford: Clarendon Press, 1927.)

THE last addition to this notable series of monographs which enjoyed the editorial supervision of the great scholar who created and inspired it will rank among its most valuable contributions to our knowledge of the social history of England in the middle ages. Hitherto the study of the social structure of medieval East Anglia has hung behind that of the rest of the country owing to the obvious peculiarities revealed but not explained in the Domesday survey of its two counties, and to the absence of any edition of the cartularies and extents of the great abbeys (except Ramsey) which had lands there. It was assessed in carucates like the northern Danelagh, but this assessment was combined with a unique system of monetary

apportionment of the Danegeld cast upon the hundred between its constituent townships, it had in the 'leet' an intermediate division of the hundred unknown elsewhere, at all events by that name, its peasantry were obviously freer even than those of the northern Danelagh, and, as Professor Stenton has observed, there seemed to be no normal tenement of any kind, the holdings (in Domesday Book) being set out in casual numbers of acres. The researches of Professor Gray of Harvard showed that its agrarian arrangements were equally peculiar. There were open fields and the strip system as elsewhere, but apparently no rotation of crops between the fields, and the strip tenements of the peasantry, instead of being divided between two or three fields, tended to be concentrated in one part of the arable area. Mr. Douglas has faced the thorny problems of origin and development involved in these peculiarities with boldness and, though his solutions will not perhaps all obtain acceptance, with a considerable measure of success. The studies of the Domesday surveys of Norfolk and Suffolk by Mr. Charles Johnson and Miss Lees had to some extent cleared the ground, and Mr. Douglas's investigation of the thirteenth-century monastic extents, especially those of Ely, and the invaluable series of twelfth-century deeds which he has drawn from their cartularies, enable him to fill a lacuna which has not been creditable to English scholarship.

Professor Gray attempted to explain the unusual features of the East Anglian agrarian system by the assumption of an original compact tenement similar to the Kentish 'iugum', the disintegration of which was checked by the Danish invasions supplemented by a comparatively advanced farming in which the manure was supplied by private sheepfolds. Mr. Douglas rejects the East Anglian 'iugum' as an unsupported hypothesis, and finds the explanation of the peculiar 'tenementum' of these counties in Danish sharing arrangements, the unit of which, he suggests, was the 'manlot' (of 12 acres) and 'toftland' found in the north-western corner of Norfolk as well as in the northern Danelaw. It might be objected that the Ely manors in which these terms are exceptionally used may have belonged rather to the latter region than to the rest of Norfolk in this respect, but in the later extents a unit of 12 or $12\frac{1}{2}$ acres seems pretty widely diffused. In proceeding to identify the manlot with the bovaté, Mr. Douglas takes more risk than the reader will suspect, for the Lincolnshire evidence, to which he appeals, is really ambiguous. Making this assumption and adopting Mr. Turner's 100-acre Danish carucate and Mr. Tingey's $12\frac{1}{2}$ -acre farthing unit (as the key to the Domesday assessment) he deduces a leet of 10 tenmanlots (the unit actually recorded on the Ely manors) or 1,200 acres, exactly parallel to the small Lincolnshire hundreds of 12 carucates (if the carucate = 100 acres), a parallelism, it is claimed, further established by the fairly common two-shilling leet assessment,¹ which represents 96 bovates at a farthing each or 12 carucates. The combination is attractive but perilous. Twelve carucates of 8 bovates apiece at a farthing per bovaté would no doubt have given a leet assessed at two shillings, but 10 tenmanlots at a farthing a manlot would have meant a leet of twenty-five pence. So once again the facts question the assumed equivalence of bovaté and manlot, and Mr. Douglas himself has drawn attention to the practical absence of the former term from the records

¹ But this is not the only nor the predominant assessment.

of this region before the thirteenth century. Must we conclude with Professor Vinogradoff that the manlot had no direct relation to the composition of the plough team?

Mr. Douglas rightly devotes considerable attention to that judicial aspect of the East Anglian leet which led the lawyers to borrow its name for the police and criminal side of local jurisdiction all over the country. It may be doubted, however, whether it is safe to push back the first definite mention of the leet as a judicial unit to a date before 1107 on the strength of a passage in the foundation charter of Wymondham Priory, where 'in leta mea' may mean the grantor's fief rather than a court. The argument for the economic unity of the leet is somewhat impaired by the choice of the Marshland leet of Ely Abbey as an illustration, for the passages quoted show that its four villi were involved with others in the elaborate inter-commoning and dike-repairing arrangements of that peculiar district. More successful is the very full treatment of the difficult question of East Anglian soke. It is shown that, though the regular relation of manor and soke observable in the northern Danelagh did not obtain here, large territorial sokes with a definite organization did exist and were not mere survivals of pre-Conquest conditions. That the sokeman's geld can be the origin in part at least of socage rent, as Mr. Douglas is inclined to believe, is surely very doubtful. His view rests largely on Maitland's assumption of the ultimate responsibility of the lord for his sokeman's geld, for which he found no evidence earlier than the carucage of 1198. The sokemen were subject to a number of other dues which are more likely to have become merged in rent. And here we must demur to the statement that 'It is impossible to distinguish between "consuetudo", "censum", "geltum", and "gersuma"' (p. 99). This is too sweeping, and with regard to the last named quite misleading. In the case quoted in his note Mr. Douglas has read the final 'de gersuma' as referring to the whole render of £11 10s. 8d., whereas it only refers to the pence. The 'gersuma' as an additional payment of relatively small amount should be sufficiently well known to avert such an error.

On the subject of suit of court a good deal of instructive material is adduced and the commentary is often valuable, as for instance in drawing attention to the sharing of the burden in some cases by a class of men whose emancipation from villeinage was of comparatively recent date. Among the most interesting, but unfortunately not the clearest, descriptions of suit in some thirteenth-century extents are those couched in a form of which the following is a fairly typical example: 'Et erunt coram iusticiariis ad custum suum proprium et ceteris diebus ad custum villatae.' In one instance the first half of this obligation is preceded by the requirement of suit to the county and hundred court, and it is inferred that the latter is the suit 'ceteris diebus' of the passage quoted above. The suggestion is made that those who performed this more ancient suit did so in an almost representative capacity and were therefore paid by the vill. But both interpretation and explanation seem open to grave doubt. No other evidence that ordinary suit to the local courts was paid for by the vill is adduced, and it is unlikely in itself, seeing that the obligation was very generally cast upon particular tenements in lieu of other service. Nor can it be said that the four men and the reeve who appeared for the

vill before the justices were less representative. To suggest that 'ceteris diebus' refers to the case of the session of the justices lasting more than one day may seem to strain the language of the passage in question, but it is not less strained by the assumption that the other days apply to suit to a court which is not mentioned.

We have thought it necessary to devote most of this review to those parts of Mr. Douglas's monograph which seem more or less open to criticism, but we must not close without reiterating our sense of its great value as a whole to the student of medieval society in England. That East Anglia was exceptional is no new discovery, but Mr. Douglas is the first to analyse its peculiarities with full documentation. The unique freedom of the East Anglian peasantry in the eleventh and twelfth centuries and the relatively small part played by the manor in this region are brought out with great fullness and clearness. 'The peculiar importance of the East Anglian social institutions is that they show in their most extreme form in England what may be called the non-feudal elements in English medieval society.'

JAMES TAIT.

The Earliest Lincolnshire Assize Rolls, A.D. 1202-9. Edited by DORIS M. STENTON. (Lincoln Record Society, vol. xxii, 1926.)

In any review of a publication of the Lincoln Record Society it is or should be common form to begin with a paragraph praising the work of that society and making special mention of the merits of Canon Foster. There was a time when the feudal history and the topography of Lincolnshire appeared to those who had to deal with it as a dark and horrible jungle full of places called Carlton and hamlets undiscoverable on any map, a county where Scampton and Stainton lay not very far apart for the confusion of medieval scribes and the vexation of later students, a county which, like the forerunners of Agamemnon, lacked a meritorious antiquary, and was in consequence without a county history in the proper number of folio volumes. In those days Professor Stenton had not begun to write or publish documents, and the Lincoln Record Society was unborn. In these happier times the feudal history of Lincolnshire, its institutions and its topography, are gradually coming out of the darkness that used to cover them.

In the present volume we have the earliest surviving rolls which record the proceedings before justices sent into Lincolnshire to take pleas arising in that county, and also extracts from other rolls containing Lincolnshire pleas for the same period. In this way we are given all such pleas taken in the eyre of 1202, both those heard at Lincoln and those heard at Leicester, Coventry, Northampton, Bedford, and Westminster before the same judges. The pleas at Leicester and Coventry are on the same roll as the pleas heard at Lincoln. Those at Northampton and Bedford are extracted from the roll of pleas heard before the same justices during their stay at those places. Of the pleas heard at Westminster, part are taken from the first six membranes of a Curia Regis Roll (no. 28, mm. 1-6), which are a special set of pleas heard before the justices of the eyre of 1202 after their return to Westminster, and have been irregularly attached to that roll; and others are extracted from other Curia Regis Rolls, as matters referred

from the eyre to Westminster. In a few cases these extracts seem to be new pleas begun in the Curia Regis at Westminster, though it is not easy to speak with much certainty on this question. In any case we have all the existing Lincolnshire pleas for the eyre of 1202 and perhaps a little more. This collection forms the greater part of the printed text. The next item consists of a roll of pleas taken at Lincoln in 1206; about two-thirds or rather more of the civil cases on this roll are assizes of novel disseisin, but other assizes and pleas also occur, and there are a fair number of criminal cases and other matters. Mrs. Stenton points out that the justices who took these pleas cannot have been holding an eyre; they had, indeed, been at Bury St. Edmunds and Norwich before they came to Lincoln, and went on to Bedford afterwards, but their commission must have been one giving them only limited powers. The remainder of the text contains a few Lincolnshire pleas extracted from rolls of proceedings before judges in other counties, and suffers in consequence from a certain sense that the reader has not all the material before him. This is no fault of the editor's; it arises from the plan of the book.

The writing of these rolls is generally bad, and the contractions often hard to understand. The beginner may well feel himself aggrieved when he finds himself required to know that the letters 'pro v. v.' must be read 'pro vinis venditis', and he may even meet with worse puzzles than this. Nor were the clerks always accurate; one case in this volume shows the kind of puzzle that may suddenly appear. In case 141 we have the first entry of an assize of *mort d'ancestor*, where the assize is to find whether Gregory brother of Hawise was seised of certain lands on the day on which he became a monk. The case was adjourned on a question of warranty, and appears in no. 1122 in a new form. The assize is now to find whether Gregory son of Hawise was seised of the same land on the day on which he died. Now there can be no doubt that the two cases are the same. Mrs. Stenton in her note suggests that Gregory was really the father of Hawise. I have no right to dissent, but I cannot help feeling that he was probably her brother; and I only note the existence of the puzzle in order to show the difficult character of the rolls. It is not necessary to praise either the transcription or the editing of the text. The punctuation of the original has been preserved. I should not myself call this pedantic, though the editor anticipates that such an accusation may be brought against her. But I very much doubt whether any typographical device can represent the practice of a manuscript in anything but a misleading way. No one wishing to study the principles of medieval punctuation should think of using any printed text, however accurate it may be. Nor should he select as his material carelessly written documents like the Assize Rolls. The main object of a printed text is to enable the reader to get at the sense of the document; it is impossible to found any palaeographical study on printed texts, however carefully and elaborately they are constructed. Apart from this minor matter, the text is admirable and easy to follow.¹

The introduction is a valuable comment on the text, though the reader who comes fresh to the subject may find it harder than the editor supposes. The most novel portion is the analysis of the roll of civil pleas heard at

¹ In cases 315 and 351 the nuns of Marten and Marcenni are identified as the nuns of Martigny. Should not this be Marcigny (Saône-et-Loire)?

Lincoln, which is used to explain the way in which the courts handled their work. Mrs. Stenton suggests that it might be supposed that 'if the roll were a record of business continuously done, the appointment of attorneys would occur in greatest numbers on the earlier membranes'. This, she says, is not the case. Statistics are a curious weapon; and I should like to suggest that, if her table on p. xxiii is slightly altered by treating the back of each membrane as one with the front, the figures will exactly fit with the theory. As the 'clerk generally wrote consecutively from front to back of the membrane' but 'began a new day with a clean sheet', this seems a legitimate course to adopt, and it may be suggested that a judge will naturally begin his day's work by clearing off all the short matters that are ready to be dealt with. Another point may perhaps be made. The arrangement of the cases on the rolls of 1202 and 1206 suggests that the assizes predominate in the earlier membranes, while the hearing of matters arising under other writs comes later. However this may be, the whole of Mrs. Stenton's discussion of the arrangement and writing of the rolls deserves careful study; nor should that study be confined to those pages only of the introduction.

One case seems worth mention for its historical interest. In case 502 Alice daughter of Auk' brings an assize of *mort d'ancestor* against John and Alan sons of Tholi, who produce a charter of Count Conan and vouch 'Ertur' of Brittany to warranty. The calendar of the eyre of 1202 which Mrs. Stenton has constructed from the Feet of Fines shows that the justices were at Leicester, where this case was heard, between 23 and 30 July. It was on 1 August that Arthur fell into his uncle's hands, and it seems odd that even in Lincolnshire any one should have thought it wise to vouch an enemy of the king as his warrantor. The judges, of course, adjourned the case to Westminster. The case appears on the Curia Regis Rolls in 1202-3 and in 1203. On both dates it was adjourned 'pro defectu recognitionis'. It would have been interesting to know how the king's court in Easter term 1203 would have treated a tenant who wanted Arthur brought into court to support a charter of his grandfather.

A word of praise should be given to the index, and especially to the index of subjects. It is sad to notice that Mrs. Stenton prefers to quote the old Record Commission edition of the Testa de Nevill rather than the later text published in 1920-3.

C. G. CRUMP.

The Medieval English Sheriff to 1300. By WILLIAM ALFRED MORRIS, Ph.D. (Manchester: University Press; London: Longmans, 1927.)

THIS is a most useful and valuable book. Professor Morris traces the history of the shrievalty from the tenth to the close of the thirteenth century, drawing together in his earlier chapters the results of the labours of scholars in the last forty years, and in the last four chapters describing, mainly from original records, the position and functions of the sheriff under Henry III and Edward I. He has laid under contribution, besides printed sources, the unprinted Close Rolls, Assize Rolls, Memoranda Rolls, and the Miscellanea of the chancery and of the exchequer, and his references should be in themselves a guide for the student to the records of thirteenth-century administration.

With the second and third chapters readers of this Review are already familiar ; they are practically unaltered from the form in which they first appeared in 1916 and 1918.¹ Thus one misses any reference to the brilliant and suggestive work of the late Mr. Corbett in the *Cambridge Medieval History*, and the final views of Liebermann on the *Iudicia Civitatis Lundonie*, as expressed in the third volume of the *Gesetze*, do not appear to have been taken into consideration. A slight change of focus from the first to the second chapter suggests that the view expressed in the second chapter as to the relation of the generic king's reeve to the specialized shire-reeve had been modified before the writing of the first chapter, which seems to give the sounder and more considered view. Broadly speaking, Dr. Morris accepts the conclusions of Liebermann and Professor Chadwick as to the Anglo-Saxon shire and sheriff. He does not attach as much importance to the presence of the royal justice in the shire-moot under William I as did Professor Adams in his last book, but his twelfth-century chapters bring out forcibly the extent to which Henry I's organization anticipated that of Henry II. The sheriff is already quailing before the exchequer, making payments to be released from office, and being checked by a local justice of Crown pleas. As to this local justice, who figures both in charters and in the *Leges Henrici*, Dr. Morris leaves us in the dark as to whether he accepts Gross's view that he is the later coroner, not yet debarred by Magna Carta from holding the pleas of the Crown ; and we feel throughout that the coroner deserves more attention as one of the external limitations to the sheriff's power in the shire. For the same reason the treatment accorded to the escheator at a later date seems inadequate. In his discussion of the baronial programme of reform in 1258 Dr. Morris makes no use of Dr. Jacob's recent study, which throws considerable light on local administration, and in his treatment of the period 1216-1307 as if the sheriff's position and the method of accounting at the exchequer remained unchanged throughout he ignores Miss Mills's recent paper in the *Transactions of the Royal Historical Society*. His account of the fiscal functions of the sheriff in the thirteenth century is not completely satisfactory ; the suggested relationship of the *proficua* to the farm, and of the farms of the hundreds to the farm of the shire, is not consistent with itself, nor, judging from Miss Mills's work, with the ascertained facts. In this direction the study can only be described as provisional, though it contains valuable suggestions.

In the first half of his book Dr. Morris gives us useful biographical details of the sheriffs of the Norman period. Their status, their family connexions, their terms of office, are minutely discussed, though perhaps the shrieval ancestry of the twelfth-century earl might have been more emphasized. As the baronial viceroy of the twelfth century, however, turns into the civil servant of the thirteenth, these personal details are withheld from us. We hear of 'the happy and joyful mien' of Gilbert of Surrey when he brought his good conscience and well-kept accounts to the exchequer of Henry I ; we are not told of the evil deeds of William de l'Isle, sheriff and squire of Northamptonshire, whose life the queen of Scotland had to beg of her father Henry III when he and his family lay

¹ *Ante*, vols. xxxi, xxxiii. The references to chapter II in chapter III are even given to the pages of this Review rather than to the book itself, a needless complication.

in the Fleet prison ; who, after his release, found his county too hot to hold him and moved into Oxfordshire, and later was made sheriff of that county by a forgiving sovereign. The question of the social standing and personal character of the thirteenth-century sheriff is of considerable importance not only to those who see him as one of the forerunners of the fourteenth-century county member, but also to those who see administration as an art as well as a science, and the chessboard of the exchequer covered with living pawns playing a lively and subtle game. We cannot but feel that Dr. Morris must know many other stories as illuminating as that of the election of the sheriff of Shropshire in 1303 which he found in the Memoranda Rolls: the story of a county court obstinately divided on the question of election, the reference of the case to the exchequer, and the decision of authority that quality, as represented by abbots, priors, barons, and knights, outweighs number in voting. Taken with other evidence, this indicates pretty clearly the principle on which contested parliamentary elections would then be determined. But this story stands almost alone ; Dr. Morris's impersonal detachment seldom allows us to come to close quarters with the individual sheriff ; it leaves us, indeed, in doubt sometimes as to his own view on the matters he is discussing. He proves up to the hilt the importance in general constitutional history of the office whose evolution he traces ; he lays all students of the period under a heavy debt ; but he leaves the epic of local government still unwritten.

Attention ought perhaps to be called to misprints hardly to be expected from the Manchester Press, which disguise Mr. Brownbill as Brownhill (p. 2), M. A. Lower as Tower (p. 146), Miss Mills as Miss Hills (p. 242), and Blickling as Blicking (p. 13).

H. M. CAM.

Calendar of Chancery Warrants preserved in the Public Record Office, A.D. 1244-1326. (London : Stationery Office, 1927.)

THIS volume is important ; its appearance is something of an event. The text, which is the work of Mr. R. C. Fowler, contains a summary of chancery warrants selected from nearly 8,000 documents arranged in 135 files. The warrants or instructions to chancery under privy seal were of course incorporated as a rule in letters under the Great Seal which were entered upon the charter and other chancery rolls ; but a surprising number were not entered, and the present volume ' deals with all those warrants of the reign of Edward I and Edward II which have not been identified as corresponding with enrolments or inquisitions '. A rough estimate suggests that about a half of the warrants which survive for this period are calendared in these pages, so that we have a record of between three or four thousand transactions, coming from a period of fifty years, and not hitherto easily accessible. Moreover, a very large number of the warrants still retain, as enclosures, the petitions and other documents which gave rise to them, and Mr. R. L. Atkinson has been able to identify, more or less certainly, about 500 enclosures now to be found among the Ancient Petitions. His key to these petitions, printed on pp. vii, viii, is a valuable contribution to the reorganization of our public records on natural instead of artificial lines.

The chancery warrants are the material upon which M. Déprez based his *Études de diplomatique anglaise* (1908). Mr. Conway Davies printed

between thirty and forty of them in his *Baronial Opposition to Edward II* (1918), and they were used, needless to say, by Professor Tout in the second volume of his *Chapters in Mediaeval Administrative History* (1920). The chronological limits of Dr. Tout's second volume and of the volume under review are indeed identical, for only one 'warrant' survives from the period before 1274. It is worth noting that the phrase 'secret seal' is apparently not used in these warrants after March 1306, that is to say, it is not found during the reign of Edward II. As the 'secret seal' is clearly distinguished from the 'privy seal' from 1313 onwards (Tout, ii. 325), yet, if the index to the present volume is reliable, was not used in Edward II's reign to seal warrants to chancery, it is clear that in Edward I's reign the phrases secret seal and privy seal were still used indiscriminately to describe the same thing. Otherwise we should have a secret seal, before it is in general use, employed to seal documents which, in the next reign, when it *was* generally used, were sealed only with the privy seal. The index, by the way, conflicts with the text (p. 184) in referring to the 'fee of the little seal', where the text reads 'little fee of the [great] seal', a very different thing. An interesting reference, in a warrant dated Ghent, 9 January 1298, to the seal 'with which the Chancery is ruled' (p. 82) is also worth noting. This is the seal of absence mentioned by Dr. Tout (ii. 68).

One naturally turns to see if any clear connexion can be traced in this long sequence of writs between the sessions of parliament and the petitions which so often occasioned the warrants. On 13 April 1307 the king sends on two petitions, 'answered at the Parliament at Carlisle as can be seen by the endorsement'. The endorsement shows that a writ under the privy seal was ordered in parliament to be sent to the chancellor to issue a writ of *liberate* (p. 259). Yet there is little evidence in the volume that these warrants filed in the chancery deal with business transacted in parliament. The warrants for the year 1295, for example, are almost entirely concerned with other business transacted in Wales. It would seem that petitions dealt with in a time of parliament (upon the arrangements for which we have a most interesting writ of 26 January 1305, p. 246) only casually came within the normal duties of the keeper of the privy seal. There are many incidental references to parliament, including a mandate (16 November 1300) for writs of summons to the prior provincial of the Friars Preacher and the minister provincial of the Friars Minor 'with two or three of the wiser friars of his order' (p. 121). The presence of the friars at the famous parliament of Lincoln in January 1301, to which the universities sent lawyers, has not, I think, been noted.¹

The information contained in the chancery warrants is similar to that on the chancery rolls, and for historical purposes this volume should be regarded as supplementary to the published calendars of Patent and Close Rolls, the inquisitions, &c. Its peculiar significance is to be found in the help which it gives towards an understanding of the 'interdepartmental' aspect of medieval administration. When we are so fortunate as to have an index to Dr. Tout's book, it will be easier to see the bearing of this new

¹ The writs are not in Palgrave, *Parliamentary Writs*, i. 90; the prior provincial of the Dominicans was present at the Westminster parliament when the king of Scots did homage (*ibid.* i. 7).

evidence upon the problems which he has made his own. The following entry, dated 4 January 1317 (p. 456), may be quoted in illustration. It shows us the chancellor drafting a charter, sending it to the king for approval, and receiving it back with final instructions :

The King has well understood the charter which the chancellor has sent touching his niece the Countess of Cornwall, and agrees to the contents, except that he does not wish the town of Rokyngham to be severed from the castle ; and so he sends it back by the bearer. Mandate to take out the town and renew the charter with the remainder, and send it to the King as hastily as possible.

F. M. POWICKE.

The Anonimale Chronicle, 1333 to 1381. Edited by V. H. GALBRAITH. (Publications of the University of Manchester. Historical Series, no. xlv.) (Manchester : University Press ; London : Longmans, 1927.)

THIS volume, whose publication has been facilitated by a grant from the British Academy, is an edition, based on the probably unique manuscript, of the chronicle whose well-known fragment giving an account of the Peasants' Revolt was printed in this Review, from a sixteenth-century transcript, by Professor G. M. Trevelyan.¹

The chronicle as now published forms the third part of a fourteenth-century manuscript which was written at, and once belonged to, St. Mary's Abbey, York. It is preceded in the manuscript by the *Brut* (a chronicle of England down to 1333) and was apparently intended as a continuation of that compilation. Like the *Brut* which it continues it is in French. It begins abruptly with the events which followed the battle of Halidon Hill, and breaks off in the middle of a passage about Border affairs in 1381. Two leaves in the manuscript, one relating to the second half of 1376, the other to the second half of 1381, are missing. The chronicle is thus not preserved complete, and there seems to be no indication either of the length of the concluding portion which is lost, or of the date at which it stopped ; all that can be said is that the handwriting points to the probability that the concluding folios of the manuscript as it now stands were written in the very last years of the fourteenth century. But though imperfect, the chronicle is nevertheless, as the editor justly claims, ' of first-rate importance for the history of the fourteenth century '. It is additionally interesting because its most valuable parts seem to have been pillaged from sources which still remain unidentified.

The portion of the chronicle which is in itself of least value is the opening part (pp. 1-20), covering the period 1334-46 : this section, as Mr. Galbraith shows, is mostly derived, either from the Franciscan chronicle which formed the basis of the *Chronicon de Lanercost*,² or from some recension of the Franciscan chronicle less interpolated than that of Lanercost. Of the remaining and really valuable part of the chronicle from 1346 to the end (pp. 20-156), the editor can only say that its ' literary sources are an unsolved problem '. He has none the less been able to establish some important points which make the baffling problem a little less dark. He shows that ' the compiler translated literally some Latin source, with occasional small additions of his own and perhaps some larger interpola-

¹ *Ante*, xiii. 509-22.

² *Ante*, xxxi. 269-79.

tions' from other sources. The *Anonimale Chronicle*, in other words, is a translation and a patchwork. In accepting this conclusion, however, it is perhaps desirable, just by way of precaution, to enter one *caveat*. There are passages in Mr. Galbraith's introduction which might tend to induce the assumptions that the compiling of the patchwork and the translating of it were performed concurrently by the author, or by each successive author, of the chronicle as it now stands; and that both operations were performed in St. Mary's, York. That this may have happened is certainly quite possible; but it is not proved. If one may judge from the two fac-similes which are included in the volume, the manuscript shows none of those corrections, erasures, and additions which usually indicate the original or first draft of a work: at the very most it seems to be no more than a 'fair copy' and it may be just a transcript. All that seems certain is that the manuscript was written at York. It is by no means equally certain that the compiling and translating are also to be attributed to St. Mary's: neither may have been done there; or equally, only the translating may have been done there: the *Anonimale Chronicle* in its present form may be a York translation of patchwork compiled (except for the specifically York entries) elsewhere.

After establishing the general character of the chronicle as a patchwork translation, Mr. Galbraith goes on to demonstrate that this patchwork, from 1346 onwards, consists partly (a) of more or less lengthy excerpts from some two or more chronicles; partly (b) of material taken from news-letters; and partly (c) of original insertions probably due to the York writer himself. These last are not numerous, and many of them can be identified with reasonable certainty; but there are others which remain more doubtful, and some of these suggest possibilities which may be more conveniently considered later. The news-letter element is difficult to detect with any confidence, because it is often so closely woven into the narrative, but Mr. Galbraith suggests, with great probability, that the accounts of the Crécy and Poitiers campaigns may well have been derived from news-letters, as is evident in the short account of the Nájera campaign, which is based partly upon the Black Prince's letter describing that battle.¹ It is the first element, however, the chronicle sources, that naturally arouses most curiosity. Mr. Galbraith suggests, quite tentatively and with admirable caution, that these may have been somewhat as follows: (i) down to 1376, 'some slight northern continuation of the Polychronicon' and also (more especially for foreign events) some one or more other chronicles, one of which may have been of foreign origin; (ii) for the years 1376-81, some London chronicle or chronicles.

It is not unfair to observe that these suggestions, attractive as they are, are based almost entirely upon what may be called general considerations, and it is worth inquiry whether there may not be some more specific evidence (apart from the entries probably referable to York) which ought to be kept side by side with these general indications. There are two passages which seem to invite attention on this score. Under date 1380

¹ *Ante*, xli. 415-18. Mr. Galbraith's hope that more of these fourteenth-century news-letters may yet be found will be strengthened by the recent publication of the *Chartulary of Winchester Cathedral* (ed. A. W. Goodman: Winchester, 1927), which contains (pp. 159-64) copies of two news-letters about Poitiers.

the chronicle records (p. 132) an expedition to Brittany under Thomas of Woodstock, and mentions Lord Latimer among the leading figures. Subsequently (p. 133) it describes the return of the expedition, and then proceeds:

Et quaunt ils furount revenuz en Engleterre a lour mansiones, le dit sire le Latymer prist une grevousse malady et morust avaunt le Pentecost, et fuist enterre od graunde honour en le priorie de Gisburgh en Clyflande, pur quel alme Dieu eit pitee et mercye pur sa graunde grace.

The concluding prayer, coming immediately after the reference to the priory of Guisborough, is at least suggestive, especially when one observes that in the accounts given by the chronicle of the deaths and burials of other distinguished persons—there are twelve altogether¹—a similar prayer appears only in connexion with the death of the king in 1377. Reference to the will of Lord Latimer shows that he was a considerable benefactor to the priory of Guisborough: while still alive he had commenced the vaulting of the north aisle of the priory church; he directed in his will that this work should be completed, and in addition left to the priory a valuable legacy of money, vestments, plate, and other chattels.² It seems likely, therefore, that the passage quoted above comes ultimately from some manuscript which belonged to Guisborough. A little earlier (p. 118) there is another entry which is worth notice:

Mesme celle an mille cccLxxvii le iour des Innocentes apres le Nowelle, furount grandes nombres des grosses pourpases ebbes sur le sabillon de la meir en Cliffland pres de Lethum issint qe le northpais fuit graundement amende; et le seigneur le Latimer avoit pur sa part, pur ceo qe parti des eux furount ebbes sur sa seignurie, iii^{xxx}, et autres seignurs solonge lour quauntitee a graunde noumbre; et la parsoun de Lethum avoit pur sa disme xxi et le priour de Gisburgh graunde plente.

Mr. Galbraith is inclined to attribute this passage to St. Mary's, York, but the definite references to the prior of Guisborough and to the parson of the neighbouring village of Kirkleatham seem to point elsewhere. And once more, as in the first passage quoted, there is the same collocation of Guisborough with Lord Latimer. May we not be, directly or indirectly, on the trail of a Guisborough manuscript? If so, the nature of the two entries quoted—a local 'marvel' and the death of an eminent man—suggests that this hypothetical manuscript was a chronicle. A chronicle at Guisborough would surprise nobody. The priory had been the home of the great Walter of Hemingburgh. It was there, too, that the *Continuation of Hemingburgh* was presumably compiled.³ That continuation, in the manuscripts that have so far come to light, stops abruptly in the midst of the events of 1346, in such a way as to suggest that a succeeding portion is missing. It may be merely a coincidence that it is at just the same point that the *Anonimale Chronicle* enters upon *terra incognita*; but at any rate it would appear

¹ Pp. 32 (Archbishop of York and the Bishop of Norwich), 50 (Henry of Lancaster and Queen Isabella), 57 (Duke of Clarence), 58 (Queen Philippa and the Bishop of Norwich), 62 (Earl of Suffolk), 75 (Archbishop of York), 76 (Archbishop of Canterbury), 95 (the Black Prince), 106 (Edward III).

² *Testamenta Eboracensia* (Surtees Soc.), i. 113–16. The will is dated 10 July 1380, and has a codicil dated 13 April 1381. It was proved 31 May 1381. The priory receives a handsome bequest under the codicil as well as by the will.

³ See Mr. Galbraith's essay on 'The *Historia Aurea* of John, Vicar of Tynemouth, and the Sources of the St. Albans Chronicle', in *Essays in History presented to Reginald Lane Poole*, p. 382 (Oxford: 1927).

that the compilation of a chronicle was a familiar art at Guisborough within twenty or thirty years (at most) of the events recorded in the entries cited above. The hypothesis that a Guisborough chronicle was one of the sources of the *Anonimalle Chronicle* seems therefore to be a contingency that ought to be taken into account. Is it possible, now, to suggest any portions of the *Anonimalle Chronicle* that may have been derived, directly or indirectly, from this hypothetical source?

It is, of course, obvious that the passages relating to northern affairs—e. g. the valuable account of John of Gaunt's adventures in 1381 (pp. 152-4), which Mr. Galbraith tentatively attributes to the York writer—could come quite as naturally from Guisborough as from St. Mary's. Again, it has been seen that the reference to the death and burial of Latimer follows immediately upon an account of an expedition to France. A second possibility, therefore, is that at least some of the entries relating to affairs in France may have come from the hypothetical Guisborough chronicle, which may have embodied information derived from some person in the *entourage* of Latimer. In this connexion it may perhaps be worth notice that in its accounts of the fall of Bécherelle (pp. 68, 70) and St. Sauveur (pp. 77-8) the *Anonimalle Chronicle* lays the responsibility for the fall of Bécherelle upon the king and all the lords of England, because they refused to send aid when asked to do so; and in recounting the fall of St. Sauveur it remarks incidentally that the event happened 'en absence de seigneur de Latymer': these may be more than coincidences when it is remembered that the loss of the two fortresses was among the charges brought against Latimer by popular opinion in 1376. This brings us to the *Anonimalle Chronicle's* vivid account of the Good Parliament, a section whose origin is of special interest. Mr. Galbraith inclines to the view that it may have been derived from a London chronicle, very possibly from the same London chronicle which may have been the source of the account of the Peasants' Revolt. There will no doubt be general agreement with Mr. Galbraith's suggestion that this admirably lively account of the Good Parliament was ultimately derived from some eyewitness. Once, however, one has granted a probable eyewitness, there seems to be nothing in the account itself which points in particular to a London chronicle. Here a comparison of the *Anonimalle Chronicle's* account with that of the *Chronicon Angliae* on the one hand and with the record in the Rolls of Parliament on the other is perhaps suggestive. Whether by accident or design, the *Anonimalle Chronicle's* account puts Latimer much more definitely in the centre of the picture than does the roll of the parliament, which gives a good deal of space to other offenders like Neville and Ellis. Again, the *Anonimalle Chronicle's* account shows none of that bitter hostility to Latimer which the *Chronicon Angliae* displays: it is content to give a calm, straightforward report of the speeches, and so far as it betrays any feeling at all, it seems to be rather friendly to Latimer. Thus in its account of Latimer's impeachment it records that he asked for time to prepare his defence, as he was 'nyent garne ne avyse des ses respouns'; that William of Wykeham addressed the lords opposing the request; and that Latimer thereupon pleaded that it would be unreasonable to force him to answer serious charges at such short notice. The chronicle seems to sympathize with his complaint, for it subsequently records

a reference made to the incident by Skipwith, one of the judges of the Common Pleas, during the trial of William of Wykeham later in the same year. Wykeham is represented as asking for time to prepare his defence; Skipwith is then said to have objected on the ground that Wykeham had himself opposed the granting of such facilities to Latimer; whereupon Lancaster is said to have interposed the remark that 'ceo qe fuist fait al seignur de Latymer fuist fait en le chalure de iour et saunz bone foye' (p. 99). It is not impossible, therefore, that the *Anonimale Chronicle's* account of these events may have come ultimately from some quarter interested in and friendly towards Latimer. There are reasons why Guisborough Priory should have been so interested: and if there was a chronicler at work there, he may very well have obtained his information from some follower of Latimer who accompanied his master to parliament, from somebody, for example, like Latimer's clerk, Henry de Medbourne, who was subsequently one of his executors, and who is mentioned in the roll of the parliament of 1376 as having been called upon to answer certain allegations made against him by the commons in that parliament.¹

It is time, however, to cry a halt to these speculations and to indicate briefly a few of the more interesting features of the *Anonimale Chronicle*.

It is gratifying to find that the sixteenth-century transcript of the account of the Peasants' Revolt printed in this Review is, apart from its spelling and one or two details duly noted by Mr. Galbraith, faithful to the original manuscript. Mr. Galbraith accepts the conclusion of Mr. Kriehn that the account was written by 'some one in the following of the King', but goes on to point out that this unknown person seems to have had 'a remarkable acquaintance with the details of the administration', and makes the interesting suggestion that he may very well have been a clerk of the privy seal.

The account of the Good Parliament is, from the point of view of novelty, more than equal in importance to the long-familiar account of the rising of 1381. It throws some much-needed light on the chronology of at least the first half of the session. It also provides the only detailed account known of the separate proceedings of the commons in parliament before the Colchester record of the parliament of 1485.² Incidentally, it represents the knights and burgesses assembled in the Good Parliament as numbering 280: one would gladly have known how this high figure was arrived at, but at any rate it indicates that the chronicler would have disagreed with those modern estimates which, basing their calculations upon the enrolled writs *de expensis*, do represent the commons in the Good Parliament as numbering no more than about 130. Altogether it is scarcely too much to say that this section of the *Anonimale Chronicle* is, from some points of view, 'the most valuable contribution to medieval parliamentary history which has hitherto been discovered'.³

A third noteworthy passage is that describing the parliament of Gloucester in 1378 (pp. 122-4). This gives another interesting glimpse

¹ *Rot. Parl.* ii. 329-30. Medbourne is described as 'Sir Henry de Medbourne, Clero du Seignur de Latymer'.

² *The Red Paper Book of Colchester*, ed. W. G. Benham, pp. 60-4.

³ See the essay by Dr. T. F. Tout, 'The English Parliament and Public Opinion, 1376-88', in *Mélanges d'Histoire offerts à Henri Pirenne*, ii. 545-62 (Brussels: 1926).

of the separate proceedings of the commons, and adds to our knowledge of an important episode in Wyclif's career. It shows that the abbot of Westminster appeared before the commons in their meeting-place in the chapter-house of Gloucester Abbey, and addressed them on the questions of ecclesiastical franchise raised by the Hauley-Schakell incident earlier in the year; this is said to have greatly angered the king and his council, who thereupon sent Wyclif to the commons to controvert the abbot's arguments. The incident is instructive for its indication of the growing importance of the commons as a distinct element in parliament.

Apart from these three outstanding passages, the *Anonimale Chronicle* is important for the welcome incidental detail which it adds to our knowledge of many of the events which it records. It is also a valuable source for the history of John of Gaunt, as a corrective to the malicious assertions of the *Chronicon Angliae*: Mr. Galbraith very justly remarks that a close comparison of what the two chronicles say would make possible 'something like a historical revision' of current estimates of Lancaster.

Finally, the *Anonimale Chronicle* is a highly interesting document to the student of English historiography in the fourteenth century. Not only does it throw some light on the difficult critical problems connected with the *Chronicon de Lanercost* and its lost Franciscan original, but its patchwork character also indicates, as Mr. Galbraith points out, that fourteenth-century England produced a considerable body of historical literature which is no longer extant. He would be a bold man who said that none of this lost literature will ever be recovered.

Mr. Galbraith has done his editorial work with admirable skill and judgement. There are indeed one or two *obiter dicta* which do not quite carry conviction. Thus the proposition (p. xxxiii) that the French text of the later portion of the chronicle (1356-81) is the work of a single author is quite possibly true; but it is scarcely proved by the fact that 'the description of the Black Prince as Edward the Fourth occurs in 1367 and 1376' (and also, it may be added, in 1346, 1361, and 1365): this same designation 'Edward the Fourth' is applied to the prince both by the interrelated group of chronicles consisting of the *Historia Aurea* of John of Tynemouth, the *Continuation of Hemingburgh*, the *Historia Anglicana* attributed to Walsingham, and the *Polychronicon* of Higden, and also by the *Eulogium Historiarum*.¹ Again, the idea (p. xxxi) that 'the frequent description of the Black Prince as "Prince Dengleterre" seems to suggest a writer not of English blood' is rather discounted by the fact that this title 'Prince Dengleterre' is several times associated with the name 'Edward the Fourth', a designation which appears to be a trick of English chronicles. There are also a few slips in interpretation. Thus the introduction states (p. xxxii) that the chronicle gives two notices of Lancaster's

¹ Bodleian MS. 240, pp. 560-1; Hemingburgh, *Chronicon* (Eng. Hist. Soc.), ii. 302, 312; *Historia Anglicana* (Rolls Series), i. 193, 197; *Polychronicon* (Rolls Series), viii. 326; *Eulogium Historiarum* (Rolls Series), iii. 200, 214 (309), 226 (310). The first three apply the name 'Edwardus quartus' to the Black Prince in their accounts of his birth and of his creation as Duke of Cornwall; the *Polychronicon* uses the name only in connexion with his birth: the *Eulogium* uses it in recording his birth, and also s. a. 1354, 1356; an entry recording the birth of the Black Prince's eldest son s. a. 1365 (iii. 236) also agrees with the *Anonimale Chronicle* in calling the son 'Edward the Fifth'.

mission to Scotland in 1380 ; but though both notices are certainly dated 1380 in the text (pp. 132-3), the second really refers to 1381, as Mr. Galbraith himself points out in a foot-note on p. 152. Then the phrase 'le dysmaigne apres' in the account of the Good Parliament (p. 88) is apparently confused with 'lendemaine' and rendered 'Tuesday, May 13': the correct interpretation is presumably *Sunday*, May 18. On the other hand, Mr. Galbraith's proof-reading is almost perfect, and his text, so far as one can judge from a collation with the two facsimiles, is quite perfect. His introduction and notes are models of what such things should be : they not only contain a great deal of learning (some of it drawn from unpublished sources), but they are so skilfully framed that they never come between the reader and the chronicle ; they keep him steadily face to face with his text, illuminating and facilitating its study. The recovery of this chronicle encourages the hope that it may not be the last that will come to light. If any others are found in the future, one would wish that they may be as fortunate in their editors as the *Anonimale Chronicle* of St. Mary's, York.

J. G. EDWARDS.

Richard II in Ireland (1394-5) and the Submission of the Irish Chiefs.
By EDMUND CURTIS. (Oxford : Clarendon Press, 1927.)

ONE of the most interesting and original sections of Professor Curtis's *History of Mediaeval Ireland*, published in 1923, was that dealing with Richard II's first Irish expedition. This study was based upon a series of notarial instruments and letters, brought back by Richard from Ireland and ultimately enrolled by the exchequer in the King's Remembrancer's Memoranda Roll for 18 Richard II. Historians owe their gratitude in the first instance to Bishop Waltham, the treasurer at that date, for getting them copied out. It is not, however, surprising that, though not absolutely unknown, they are substantially a new source, since the originals, some of which are still preserved in a chancery series, are in a terrible state of decay. Moreover, the Memoranda Rolls are among the bulkiest and hardest to work through of all the long series of official enrolments. We are, therefore, very grateful to Mr. Curtis for having not only used these documents so wisely in his own book, but for his present service in setting forth all of them in print. The most important are the series of notarial instruments in which the submissions of the Irish chiefs are recorded with all the solemnity of common form. But only less important are the 'letters sent to the king in Ireland', some dealing with the submissions, and others giving general information of the progress of affairs during the eight months of the king's visit. A few of the letters are not new, but one of the most accessible, printed some ninety years ago by Sir Harris Nicolas in his *Ordinances of the Privy Council*, is given in a more complete form and better text. Moreover, besides the texts, the majority in Latin, but a few in French, Mr. Curtis has appended a translation, which though summarizing often rather than translating, is adequate for most purposes, if not always so satisfying as the study of the original texts. To these Mr. Curtis has added an elaborate introduction, tracing in detail the relations, both in fact and in law, between the Irish magnates and the English Crown, and stating what is to be said on both the Irish and the English

sides with a fairness that does not always seem a prominent feature of modern Irish historiography. He has also given us 'brief notices of the submitting chiefs', a summary of some letters relevant to his theme from a formula book in the library of All Souls College, Oxford, and an excellent index. Altogether he has presented us with a careful, scholarly, and useful piece of work which will form a safe starting-point for further investigation of the only serious effort made by an English king since the days of John to put his 'lordship' of Ireland on a more definite basis.

It cannot, however, be said that Mr. Curtis has quite extracted from his texts all their lessons. His own interest is apparently exclusively on the Irish side, and it is here that his work most nearly approaches completeness. But it does not go so far as the title would suggest. His subject is not really 'Richard II in Ireland' so much as Richard's relations to the Irish chieftains, up to and during the period of his first Irish expedition. Beyond this his curiosity does not seem to extend. Neither the military details of the expedition, nor the extensive wanderings of the king, nor the personnel of Richard's following are brought out so exhaustively as the texts would have allowed. And beyond those texts our editor has refused to go. There are sources in the Record Office which would have helped to answer questions which he dismisses as hopeless. Thus he tells us 'real figures are not available' for the numbers of the expedition. This is certainly true and he is quite right in dismissing the fancy figures of Froissart. But had he consulted the wardrobe account preserved in Exchequer Accounts 402/20, he would have found a great deal about the preliminary preparations in England, including the 'vadia guerre', the numbers and constituent elements of the forces which magnates, prelates, and officials put at Richard's disposal. When the duke of Gloucester came with a retinue 400 strong, and Roger, earl of March, with more than 700 followers; when even the king's secretary, the clerks of his chapel, and the officers of his household had each his little band of men-at-arms and archers, there is material for satisfying curiosity which no writer has as yet dealt with. Moreover, further study is desirable as to the relations of Richard's force to his household, the method and staffing of the Anglo-Irish government which, though touched on, are far from being exhausted by Mr. Curtis's somewhat limited range of vision. A more restricted title would not have exposed him to this reproach; but it is only right to say that the subject of Richard in Ireland, though advanced, is not yet examined in all its detail.

Within his limits Mr. Curtis's work is generally accurate. An occasional word, for instance the 'paramenti camera' of p. 152, is not explained in the text and is evaded in the translation. He has made a curious slip on p. 67, where he makes the earl of Nottingham marry his own mother. Yet the aged daughter of Thomas of Brotherton, the earl's grandmother, was not only alive but a well-known historical figure. Against this may be set a useful increase of precision given to the statement in the *Complete Peerage* that Edward of York became earl of Cork 'before 1396', by the proof that he was already earl of Cork in 1394 or early in 1395.

It is much to be hoped that Mr. Curtis will go on with his medieval Irish studies. What is wanted in Irish history is a complete collection of the facts from both Irish and Anglo-Irish sources, and a resolute

refusal to draw political lessons for any side. There is a tendency for the patriot to refuse to consider the records of the 'colony' and of the colonizing land, and the wholesale destruction of medieval records a few years ago has limited our possibilities of research in this direction. On the other hand, the Anglo-Irish often tend to ignore the Celtic sources, either from ignorance of Irish or from disbelief in their value. Mr. Curtis has the great advantage of being able to see both sides. In this book he is clearly aiming at truth rather than proving abstract propositions. A really complete history of Ireland under Richard II should be a tempting objective to him in his future work.

T. F. TOUT.

Der Sentenzenkommentar Peters von Candia, des Pisaner Papstes Alexanders V. By Cardinal FRANZ EHRLÉ, S.J. (Münster in Westf.: Aschendorff, 1925.)

THE real significance of Cardinal Ehrle's book is perhaps best indicated by the secondary title, *Ein Beitrag zur Scheidung der Schulen in der Scholastik des vierzehnten Jahrhunderts und zur Geschichte des Wegestreites*. Even this is not quite an adequate description, for the documents printed in the last part of the volume carry us far into the fifteenth century, at least two generations beyond the death of Alexander V. That Peter 'of Candia' is rightly so called—despite the still extant claim of Bologna—the evidence quoted by Cardinal Ehrle is sufficient to prove. Uncertainty about his origin is, however, intelligible when we learn that he was virtually a foundling, who never knew his father or mother or any of his kin. His consequent freedom from the temptation of nepotism seems actually to have promoted his advancement, so that eventually he was recommended for the papacy on the ground that he had no blood-relations 'per quos gravaretur Romana ecclesia'. His education was due to the kindness of a Franciscan brother, who sent him to Oxford, where the *mira logicalis subtilitas* of the place (less politely described in a Florentine manuscript as *sophismata asinina secundum usum Angliae*) made a permanent impression on his mind. Oxford was notoriously hostile to the influence of the great Dominican teachers. As though Grosseteste, Roger Bacon, and Duns Scotus were not enough, there emerged finally the stormy genius of Ockham, once the plague of popes and dignitaries, and still the reputed author of a 'razor', which many who have not read him are apt to employ for the cutting of Gordian knots. It is largely with Ockham and the varying fortunes of the Ockhamists that Cardinal Ehrle's learned dissertation is concerned. As to Peter himself, we should gather from the extracts and information furnished in this volume that, in his character of commentator, he was interesting rather than important. The style of exposition was changing. The severe and massive perfection, of which Thomas Aquinas has bequeathed the supreme examples, was giving way to something more colloquial and discursive; and though the essentials of the older structure—the *pro* and the *contra*, the objections and solutions—survive in Peter's commentary, its general quality suggests, as the cardinal puts it, 'gesprochenes, nicht geschriebenes Wort'. Simultaneously a change of emphasis in relation to the matter can be detected. The tendency of commentators on the *Sentences*, as Gerson notes with regret,

was to concentrate upon the first two books (sometimes only the first) and to pay small attention to the distinctively theological contents of the third and fourth. Peter's own intellectual position is broadly expressed in his recognition of Scotus and Ockham as *doctores valentes*, but the Nominalist in him outweighed the Scotist, and the men of his more immediate circle, such as the English Franciscan Adam Wodeham (or Goddam), John of Mirecourt, and Gregory of Rimini, were acknowledged disciples of Ockham. It is thus with good reason that Cardinal Ehrle passes from the 'Pisan Pope' himself to a wider consideration of the movement which disturbed all the universities of Europe, foreshadowing the greater disturbances to come.

Whichever name be preferred, Nominalists, Terminists, or Conceptists (an older form than Conceptualists), it is certain that the school, thus designated in the fourteenth and fifteenth centuries, looked to Ockham as its founder. The connexion with the earlier *nominales* of the age of Roscelin and Abelard is negligible, and probably the last thing the Ockhamists desired was to have their modernity tainted by any reference to the squabbles of two hundred years ago. Following Hofer and other recent scholars, Cardinal Ehrle insists on the essentially Oxonian origin of the movement: 'Für den Bildungsgang Ockham's kommt nur Oxford in Frage.' At Oxford, before 1324, the bulk of his speculative work was accomplished, and it seems now to be proved that the summons to Avignon in that year had nothing to do with the vexed question of 'poverty', but was actually the first attempt to stifle the movement, for which the label of Nominalism, with its apparent restriction to the field of logic, is wholly inadequate. What the popes and the universities had to face was a revolt of 'modernists', in which the conventional dispute about 'universals' covered a general upheaval affecting not only the speculative tenets, but the whole political claim of the Church. More and more, as time goes on, we note the fixed antithesis of *antiqui* and *moderni*, one consequence of which was a tendency to ignore the antagonism of Thomist and Scotist, and to lump together all the 'realists' as old-fashioned, much as nowadays Kant and Hegel are vaguely bracketed, or as smart young critics of Victorianism imagine Tennyson and Browning to have been poets with precisely similar aims. There were, however, many fluctuations in the struggle, and the central part of Cardinal Ehrle's book consists in an examination of the evidence relating to Paris and some fifteen other universities. At Paris, for example, the pendulum swung to and fro four or five times between 1362 and 1481, while even at Oxford it was *Vorherrschaft* rather than *Alleinherrschaft* that Nominalism enjoyed.

Finally, as a supplement to his more general discussion, the cardinal prints some invaluable documents, emanating from Paris, Louvain, and other centres of learning, which give us a direct insight into the sentiments and passions of the contending parties. One of the most important is the reply of the Parisian Nominalists to the edict of Louis XI which, in 1474, virtually banished them from the university, and even from France. Tracing the controversy back to the original 'persecution' of Ockham by John XXII, they mention, as one great cause of the quarrel, Ockham's political attitude, his contention '*Regem Franciae habere regnum suum immediate a Deo, et non a papa*', and his complete repudiation

of the doctrines proclaimed by Boniface VIII. Further stages in the controversy are then enumerated, and the claim of the Nominalists to be more orthodox than the Realists is duly upheld. Almost more instructive, however, is a pronouncement issuing from the university of Basle some ten years earlier. Here there is no dispute about doctrine or heresy. The question is argued in relation to the general welfare of universities, as indicated in the heading, 'Motiva universitatis propter quae non videtur expediens ambarum viarum coniunctio, modernae scilicet et antiquae'. The authors of the statement proceed to maintain that 'ex viarum illarum iunctura sequitur discordia, tollitur pax ab universitatis suppositis maioribus et minoribus, scissio fit et odium malaque innumera'. Truth suffers; discipline becomes impossible; teachers are converted into adventurers; the number of students declines. Their final reflection is 'quod magis proficere potest animus tranquillitate dotatus quam continua contradictione turbatus', and in this sober maxim we may find, perhaps, the wisest verdict upon two centuries of academic history. For while 'universals' and charges of heresy continued to be part of the stock-in-trade, the real business was a war of factions, a chapter in the perpetual history of the struggle between the new men and the old. W. H. V. READE.

Ignatius Loyola. By PAUL VAN DYKE. (New York: Scribner, 1926.)

IMPRESSED by the fact that, not amongst protestants alone, the word 'Jesuitry' has a sinister meaning, Professor van Dyke has written a vindication of the founder of the society. His book is extremely readable, although the English public may find odd phrases such as 'him and his crowd' (p. 21) or 'a bread line for the down and outs' (p. 131). The historical background has been worked up with care, but a few flaws appear. Cop (p. 251) was rector of the university of Paris, not of the college of St. Barbe; the bull of deposition against Henry VIII (p. 169) was never launched. Loyola was hardly a monk (p. 7) and his 'society' was not strictly an 'order'. The essay itself is plainly founded on the sources, but the impressive 'List of Books cited', admittedly incomplete, leaves the reader somewhat uncertain as to what has, and what has not, been used. There is no mention of the work of Hüber or of Pollen, yet the reference (p. 353) to the 'Boswellian notes' of Camara makes it seem probable that Dr. van Dyke had read Pollen's article in *The Month* of July 1909. It appears likely that the sources, which have certainly been read thoroughly, have been approached through the works of the recent catholic historians Astrain and Venturi, and perhaps for this reason Dr. van Dyke's dispassionate study sometimes verges upon eulogy. He is at pains to discount absurd miracles and ill-founded panegyrics; he presents his evidence clearly and honestly, but he tends to interpret it in a sense favourable to his hero. Other interpretations might be given. Chapter xiv, especially on pp. 217 and 223, would support a charge of snobbery; the aristocratic novice was excused from menial labour in the eyes of his former companions. But the learned theologian (p. 347) must be disciplined till he cried like a child; Ignatius, though of high descent, found learning difficult. The constant references to the good offices of rich ladies (pp. 60, 61, 65, 121, 216, 344, and 351) are made without comment, though it is plain that the cultivation of

wealthy devotees was a settled policy. On pp. 203, 205, 267, spiritual craft is mentioned without condemnation, and the praise of strict obedience (pp. 229-31, and 284) takes no account of the fact that such obedience might involve dishonesty. Certainly Ignatius said that his followers were not to obey a command to sin, but they were left with no norm as to what was sin save the word of the company. Ignatius was as bold as Luther in venturing to decide as to what impulses were prompted of God, and what of the devil, but he differed from Luther in making his decisions coincide with authority. The judgement must be subjected to obedience (p. 227), and Ignatius did not hesitate to call in the practical force of 'authority' to crush his opponents. He did not always mention in public his appeal to force, 'perhaps because he thought it unimportant' says Dr. van Dyke (p. 127), who, whilst he rightly emphasizes the struggles of Ignatius, mentions the fate of his enemies (p. 129) with complacency. The pages of the book reveal a 'superiority complex' of magnitude and suggest that the founder of the society was less free than he supposed (p. 291) from the sin of vainglory.

But although Dr. van Dyke's presentation of the facts is perhaps coloured by partiality, he presents the facts with truth and force. His study of Ignatius's spiritual experience is extremely good, and all the better that he frankly states the limits beyond which his own comprehension will not go. In these days of toleration it was perhaps not so necessary as he supposed to justify Ignatius Loyola, but all students of sixteenth-century history owe him a real debt of gratitude for an understanding and an understandable book.

J. D. MACKIE.

The English Factories in India, 1668-9. By Sir WILLIAM FOSTER, C.I.E. (Oxford: Clarendon Press, 1927.)

WITH this volume, as we notice with regret, Sir William Foster brings to a conclusion—as far as his own part in the work is concerned—one of the valuable and scholarly series of record publications, a series which has illuminated once and for all the early history of British connexion with India. The reviewer of such a work has in one sense a difficult, and in another sense an easy, task. It is impossible to get behind Sir William Foster, for he is editing unpublished manuscripts; he is so accurate and thorough-going that to search for errors is the most barren of quests; while former experience of his methods induces a restful and confident acquiescence in his insight, judgement, and discretion. There seems nothing for it but to restrain the critical, and indulge the appreciative faculty, indicating if possible the chief points in a remarkably varied and interesting collection of documents. A great deal of that variety and interest, it need hardly be said, is due to the skill with which they have been selected and the wide knowledge of the whole subject which is so obviously possessed by the editor. Most of these papers and dispatches are written in a vigorous, terse, and picturesque style—very different from the precise formal diction soon to be developed in the following century—which in itself makes them worth study.

The important events of the period are the taking over of Bombay by the Company from the representatives of the Crown, the efforts of the Com-

pany to foster its new settlement, the recovery of Madras from the royalist rebel, Sir Edward Winter, the death of the great pioneer Sir George Oxenden, and the early achievements of Gerald Aungier. In addition, the commercial policy, the social life, the mutual rivalries, even the theological squabbles of the little band of exiled Englishmen are vividly illustrated.

There was a natural conflict of interest between the Company and the Crown as long as the latter retained possession of Bombay. Gary, the royal governor, considered that the Company's servants were 'well contented to looke upon poore Bombain as an ungrowing dwarfe that should ever be at a stand ; and would much rejoyce to see this royall plant continue ever but a shrub, while the Companies interesse may shoot up to a cedar'. On the other hand, the Company's servants lamented 'into what a labyrinth of troubles hee hath involv'd us, endangering the Companies estate and privilliges, and (wee fear) His Majesties island'. Gary seems to have been a vainglorious and injudicious man, and, according to his opponents, 'hath done such unbecomeing actions as I thinke a true Englishman would bee ashamed of', but in the actual matter of the transfer, which must necessarily have been a bitter disappointment to his personal ambitions, he certainly behaved with credit, declaring himself 'the more contented with the revolution and vicissitude of changeable affaires in regard the disposeure hath been made into such worthy hands ; which though I had occasion to contest withall, in zeale to my royall master, yet I desire now all may bee forgotten'. In the case of Bombay, as is well known, the directors made a marked, though, as it turned out, only a temporary, change from their usual policy of opposing colonization in India : 'Wee shall endeavour to procure the civeltest English woemen and send them unto you, that wee may have a colony of English in time to continue on the island, and that they may live with more comfort and in the feare of God.' It is interesting to see how from the very first the Company felt their position at Bombay too confined, and began to covet that territory the attempt to secure which in Warren Hastings's time caused so much trouble : 'We entreat you', wrote the president and council, 'to take notice that these three islands of Bombay, Salsett, and Carranjah are as soe many limbs or parts to the compleatinge a body ; wherefore we most heartilye wish the other two were yours, and then you would be entire within yourselves, where noebody can crowd in to wrong you.'

In regard to the Company's European rivals there are a few references to the rare appearance of Danish vessels ; of the Dutch, 'we finde them droop in these parts' ; but to the French, now beginning to make their presence felt, there are many allusions. When the latter first appeared at Surat in 1668 a contemptuous dispatch runs : 'It is the opinion of all the towne that these newcomers will never settle here, but that they will play one unhandsome pranke or another, and soe desert the countrey.' A year later, however, this contempt has changed to active enmity and to a certain apprehension. The Surat factors forward two letters for the French Company, to oblige the French director, but they write :

There is a fair correspondence reserved (*sic*) between us outwardly, and therefore we cannott refuse them these common civilitys but we thinke it our dutys to tell you that in their vaine glorious rantings abroad in their factorys, and especially downe the Mallabar

coast, they are bold and rude in their language, designing by that means to enforce a credit and beleife of their King and Companys magnified greatnes and power by casting scandalous reproaches in diminution of His Majestys honour. This policy is not new, but an antient practice used by the Dutch; nor is there any better remedy for it than a generous scorne and disregard of such little arts, which yet we are not negligent in countermining by a more solid reputable way, maintaining His Majesties and your reputation by our just proceedings, which renders theire unworthy scandalls as ayery as their tempers and as ineffectuall and unprofitable as their designs of trade hath hitherto proved.

In these letters home, the characters of the servants of the Company are sketched in vigorous words of praise or blame. We hear of Mr. Jearsey 'who can doe your business well, but hath too much of his owne'; of Mr. Nelthorpe, 'a most wicked, swearing, debauched fellow, seldome sober'; and of 'Salisbury, that miscreant'. But there were faithful as well as unprofitable servants, and when 'the greatest of the Surat Presidents', as Sir William Foster calls him, died, the homeward dispatch records with a certain fine simplicity: 'The great and just God, who hath of late years given you so many prosperous successes under the prudent conduct of your worthy President, Sir George Oxinden, hath been pleasd (in mercy, we hope) to lay a severe check on your trade and interest by depriving you and us of him.'

P. E. ROBERTS.

The Danish Sound Dues and the Command of the Baltic. By CHARLES E. HILL. (Durham, N.C.: Duke University Press, 1926.)

'THE purpose of this study', says its author, 'is to show the origin, the growth, the fixation, the misfit, and the abolition of the Sound dues. Their relation to international affairs is traced and their place in the history of Denmark is sketched.' Its three hundred pages certainly entitle Professor Hill to a tribute such as that to Danish scholarship which he quotes from Wheaton: 'I suspect generally, even in England, they do not go to work so doggedly and so perseveringly.' The style is homely (does the reference given to Rörðam's *Monumenta* really show that in 1561 'the Emperor and the rulers of Poland, Denmark, and Lübeck pinched themselves with surprise?'), and much that is arresting in northern men and doings fades from sight, but the facts, supported by a wide literature, are undeniably before us.

Secretary Marcy, when two generations' experience of the dues had shown them to be irksome to the United States, ascribed their origin to exactions by Norman pirates in the dark ages. A colleague, arguing that they applied exclusively to the nations of Europe, was on stronger historic ground when he held that 'their foundations were laid in a remote and barbarous age, even before the discovery of America'. They were, in fact, under consideration in 1423 and levied by 1430. They arose from the desire of the Hanse traders for privileges in Denmark and from the perception by the Danish king that geography had given the ruler of both shores of the Sound an incomparable opportunity to tax these and other foreigners. His international quasi-river, indeed, became the envy of all other sovereigns. 'With the Sound', wrote von Strahlendorf to his master, 'the Emperor would gain the most profitable toll in all Europe. He could put down the rebels in Holland, who bring through it wood for their ships from Prussia and Sweden. The possession of the Sound would afford the

possibility of sea-power.' Swedes, French, English, Dutch, all maritime powers, coveted Elsinore in turn, but its masters sedulously defended and extended their prescriptive rights. Both ships and cargoes were subjected to taxation; sailors might be impounded when need arose, and occasionally the kings even asserted a right of pre-emption on goods thus borne through their dominions. Christian IV believed that he could forbid soldiers, sailors, and war materials to pass the Sound, and in many cases a kind of blockade there was used to put pressure upon a distant Baltic haven. In 1638 the dues were increased with more than customary severity. Next year their yield became 616,000 dollars as against 229,000 in 1637, while the number of ships passing through fell only from 3,384 to 3,020.

The transference of the further shore of the Sound to Sweden, however, tended after 1660 to restrain the royal caprices at Copenhagen, and gradually the importance of the question declined. The tariffs became stabilized, and the widening of the world reduced the comparative significance of the Baltic, while Denmark sank lower in the scale of nations. Struensee did not attempt to interfere with what had become an inconspicuous private income of the king, but Frederick the Great had had to be propitiated by quiet concessions after the Seven Years' war. A brief quotation will show, better than much generalization, the complex character of the system after more than three centuries of evolution:

The members of the Hanseatic League then included Lübeck, Danzig, Königsberg, Pillau, Memel, Libau, Elbing, Kolberg, Kamin, and Rostock. Their goods in foreign ships, that is, owned outside these towns, were subject to the dues. Foreign goods in their own ships paid the rates of the country from which they came. All of these Hanse ships paid the light and marker dues on the same basis as other nations; and, in addition, they paid the rosenoble duty on the ship. . . . Beyond these dues, the ships of Kolberg and Kamin were subjected to a buoy duty. . . . Hamburg found her position as an Hanseatic town of no advantage, and substituted for it the basis of the Netherlands in 1762. . . . Lübeck did likewise by substituting the most favoured nation basis in 1840.

Yet after the Napoleonic wars the dues were reinstated, and though no longer a royal perquisite, Denmark protected them by imposing transit dues on alternative routes by land. The increase of commerce, however, diminished the willingness of Europe to endure the inconveniences of the system, and in 1855 the United States announced that after one year they would decline to pay. Redemption appeared to be the obvious course; the Danish government showed distinguished moderation; quotas were agreed upon; and the only important defaulter was Brazil. The whole story forms a curious and valuable contribution to history, and its later chapters are even entertaining.

W. F. REDDAWAY.

Forests and Sea Power: The Timber Problem of the Royal Navy, 1652-1862.

By ROBERT GREENHALGH ALBION, Ph.D. Harvard Economic Studies, vol. xxix. (Cambridge: Harvard University Press, 1926.)

THE author of this scholarly work, upon a subject which has not hitherto been comprehensively or systematically treated, has placed students of naval history under a great obligation. While covering wide ground, he has neglected no relevant detail, and the result is a sound, solid, and suggestive piece of work.

The opening chapter, 'Trees and Ship Timber', shows how strictly the designer of wooden ships was limited by the material available for him. He might imagine leviathans, but he could not build them, because the forests did not produce great and crooked timber of more than a certain size. This was largely responsible for the 'static condition of naval architecture' before 1860; 'the second *Royal George* of 1788 was only twelve feet longer and two feet wider than the *Royal Sovereign* of 1719' (p. 6), and both differed less than would have been expected from Phineas Pett's *Sovereign of the Seas* built in 1637 for the ship-money fleet. And wooden ships when completed were always liable to attack from the natural enemies of timber, which defeated the shipwrights in every campaign. The worm was not successfully countered until the general introduction of copper sheathing into the navy at the time of the American Revolution, and dry rot, which was constantly putting battleships out of action, 'remained unmastered to the end.' An interesting section of this chapter traces the gradual and reluctant acceptance by the English builders of the fact that they could no longer depend upon getting English oak for their hulls. This begins with the official surrender to Baltic oak for planking in 1686, and the subsequent adoption of elm, beech, and fir. Timber from the English forests was giving place to supplies from other countries, and by the end of the Napoleonic period the origin of a ship's timbers was cosmopolitan. A similar survey is made of the materials available for masts; and the restricted choice of timber open to the shipwright before 1804 is compared with the list of seventy-five woods allowed by *Lloyd's Register* for shipbuilding to-day.

Like oil at the present time, the problem of timber affected diplomacy. A chapter on 'Baltic Timber and Foreign Policy' shows how consistently English policy was directed towards cutting off from her enemies supplies of naval stores from the Baltic, and how in the twelve years before Trafalgar the success of this policy left the French with weak ships. In this connexion, Mr. Albion comments on the 'amusing inconsistencies' in the attitude of the different powers on the question of naval contraband, England and Holland both changing sides between 1660 and 1680, and the United States upholding two opposing views at the same time. This is not altogether surprising to a generation which has seen England and America exchanging during the war of 1914 the argumentative positions on the subject of blockade which they had respectively occupied during the war between North and South, and each appropriating its most potent weapons from the diplomatic armoury of the other.

In a chapter on 'Masts and American Independence' the writer observes that 'the lack of masts deserves more of a place than it has yet received among the various reasons for England's temporary decline in sea power' at the time of the American Revolution. In 1775 the last cargo of American masts reached this country, and sufficient care was not taken to provide an alternative supply, perhaps because it was not really believed that the revolt of the colonies could succeed or that the interruption would be more than temporary. Thus when France came into the war in 1778 the stock of masts was low, makeshifts had to be employed, and the result was that on the whole the English fleets suffered far more than the French from damage done by gales at sea. The failure to relieve

Cornwallis at Yorktown was at any rate partly due to the ill condition of the English fleet: 'the excessive want of stores and provisions, and the immense repairs wanted for a crazy and shattered squadron,' special mention being made of doubtful masts in the admiral's dispatches. 'Storms and hurricanes, playing on rotten pine and oak, helped to reduce the British fleets to a condition where they could not prevent the invaluable French assistance to American independence' (p. 315).

Similar difficulties with regard to timber were felt during the Napoleonic wars. Under another almost too picturesque title, 'Trafalgar and Dry Rot', Mr. Albion discusses the short-sighted policy with regard to timber pursued by the English administrators, and concludes that the want of it was 'in large part responsible for the condition of the blockading fleets' (p. 381). 'While the Navy was exerting its steady, exhausting pressure on Napoleonic Europe, that same Europe was partly responsible for the steady, exhausting pressure of the timber situation upon the king's ships. The constant demands for repair and replacement had to be met with timber piles depleted by the increasing shortage of native oak and the radically curtailed supply from Europe and the United States' (p. 388).

Under the alliterative title, 'Contracts, Conservatism, and Corruption', our author has hard things to say of the English naval administrators, and he quotes an official who said, 'The real timber problem of the Royal Navy was the trouble with the wooden heads which guided its policies'. It may perhaps be objected, at any rate with regard to the Restoration period, that although in the chapter on 'Penury and the Dutch Wars' full justice is done to the appalling financial difficulties with which Pepys and his colleagues had to contend, it has not been sufficiently realized that this is their best defence against the charges of inefficiency and supineness. It is true that 'the close of a war usually meant a slackening or suspension of building, a wholesale discharge of dockyard workers, and a neglect of the stores'; but Pepys's correspondence shows that this was due to want of money and credit, and not to 'sleepy indifference'. Even 'the disgraceful impotence against the Dutch raid on Chatham' in 1667 was not due to laziness and ineptitude, but was an honest attempt, risky and ill-advised as it proved to be, to economize under the pressure of a financial situation which had become intolerable.

One of the best features of the book is an admirable bibliography of forty-four pages, which includes nearly all the relevant materials and adds brief but useful notes on values; although exception might be taken to the statement (p. 445) that Pepys's *Memoirs* 'were written principally as an excuse for the rot of the 1677 fleet'. There is, however, no mention of Dr. Robert Plot's 'Discourse concerning the most seasonable time of felling Timber, written at the request of Samuel Pepys, Esq., Secretary of the Admiralty', which appeared in *Philosophical Transactions* (xvii. 455). Pepys's *Naval Minutes*, which contain a good many references to timber, must have appeared too late for inclusion in Mr. Albion's bibliography, as also a valuable article in the *Mariner's Mirror* for October 1926, by Dr. F. Moll, on 'The History of Wood-preserving in Shipbuilding', which would have supplied additional works for the bibliography.

J. R. TANNER.

Les États Provinciaux de Normandie. Par H. PRENTOUT. 2 vols. (Caen : Lanier, 1925-6.)

PROFESSOR PRENTOUT's book is the outcome of most extensive and careful researches, and would appear to be the really definitive account of the provincial estates of Normandy, of their origin, their character, and their importance. He has, as he himself acknowledges, been much helped by the work of his predecessors in the same field. He makes use of the *cahiers* already collected and printed by Charles de Beaurepaire, and for the fourteenth century the writings of M. Coville had already covered so much of the ground that it was unnecessary to work up anew what had been done so thoroughly in the past, and the chapters dealing with the history of that period are in consequence less full and interesting than they would otherwise have been. But M. Prentout has had plenty of new ground to explore. The magnitude of the task has been increased by the fact that there exists no single collection of documents dealing with the business of the estates, and in order to make a complete list of the sessions and a record of the business therein transacted, it has been necessary for him to consult documents in all the departmental and communal archives of the province, as well as many in Paris and London. These documents are of many different kinds, ecclesiastical, seignorial, municipal, and financial, in addition to the *cahiers* themselves, which furnish a mass of useful information. As a result of these researches, M. Prentout has been enabled to fill a gap hitherto unexplored in the history of the estates from 1460 to 1560, and has discovered a number of new and illuminating documents in other periods.

The first volume of the work deals with the history of the estates, their rise and their decline ; the second deals with the officials, the members, the business enacted, the general part played both in provincial and national history, and a section takes up the subject of public opinion in regard to the estates, which leads to a discussion of the ideas in men's minds before the outbreak of the Revolution in 1789. A third volume is still to follow, and this will contain the much-needed index, as well as a list of the sessions and a number of hitherto unpublished documents.

The plan is a very complete one, and though it leads occasionally to a little repetition, it is hard to think of any other which would make so clear and adequate a picture.

The book furnishes a proof of the strength of the provincial spirit, even when Normandy had ceased to be a separate province, and when representation was based on the administrative division of the *baillage*. It shows the independent and persevering character of the Normans, who persisted steadily in their claims to control of taxation, and who, despite repeated failures, did on occasion modify or even refuse the royal demands ; and it gives a new idea of the *Tiers État*, who, far from being absorbed in town interests, were fighting for the rights of the peasants and the welfare of agriculture.

M. Prentout shows that the estates had considerable share in the English foundation of the university of Caen, in the formation of the port of Havre, and in the establishment of a permanent exchequer with judicial powers. What is even more striking, he proves that they had influence even in

diplomacy and foreign relations, and were actually required to ratify several important treaties. All his arguments help to prove that the real absolutism of the French monarchy cannot be dated earlier than the reign of Louis XIV, and that the central power had to face not only seignorial but strong provincial opposition.

The book ends with an excellent summary, in which M. Prentout analyses the whole contents of the book with admirable clearness: a summary which the weight of argument and illustration in the former chapters renders particularly necessary and valuable.

One small correction should be made on p. 251 of the first volume. It was Mary not Margaret of England who married Louis XII of France. There is also a misprint in the figures given on p. 332. E. C. LODGE.

Histoire de Belgique. Par H. PIRENNE. Vol. vi. (Bruxelles: Lamertin, 1926.)

PROFESSOR PIRENNE's sixth volume¹ begins with the French Revolution and carries the story down to the recognition of Belgian independence by the protocol of 20 December 1830. It is written with the luminous ease of which M. Pirenne has the secret, and it is refreshingly different from the other available books on the French time in Belgium, the united kingdom of the Netherlands, and the Belgian revolution. The author's attention is fixed not on the operations of diplomatists and military commanders, but on the life of the people. He writes primarily not of Belgian history as an international problem but of Belgian history itself. The economic side of that history is admirably treated, and there is much that is equally good on constitutional and intellectual developments. Balance, proportion, and unity are most skilfully preserved.

As is well known M. Pirenne believes that the foundations of Belgian nationality were firmly laid in the middle ages, and that their ground-plan was the same as that of the modern Belgium. In carrying this interpretation through the period he has now described he has inevitably to face considerable difficulties. There was first a French occupation and then an attempt at fusion with the Dutch. Each of these transitory foreign connexions had its own special significance for one, but only for one, of the two elements of the Belgian population; the French had much besides their language in common with the Walloons, while the Dutch shared at any rate their language with the Flemings. M. Pirenne, however, does not think that they were alike in their relation to Belgian nationality. He does not regard that nationality as based on an equilibrium of two co-ordinate members; but, himself deeply influenced by the French spirit, regards French influences as less alien and damaging to Belgium than those from the north. He emphatically points out the impossibility of the amalgamation with Holland: ² the failure of the annexation to France he leaves to the narrative of events. British statesmen furthered the union with Holland, and British historians have often held that 'the scheme failed, but it was a good scheme': ³ it is therefore natural that we should scrutinize some-

¹ For vols. iv-v see *ante*, xxvii. 362; xxxvi. 597.

² See especially pp. 264, 316-17.

³ W. Cory, *Guide to English History*, i. 20.

what jealously the reasoning by which the leading Belgian historian supports the opposite opinion. Let it be said at once that he does no injustice to the régime of the Dutch king William I. He is at his best in describing it, and he says : ' A la veille de la révolution de 1830, le royaume des Pays-Bas semble bien avoir été l'État le plus prospère de l'Europe continentale, et cette prospérité se manifeste d'une manière plus éclatante encore dans sa partie belge que dans sa partie hollandaise ' (p. 337). This is indeed in no sort of contradiction to his general attitude. The better William I carried out his task, the easier it is to prove that task impossible. The greater the immediate and material benefits of the Dutch connexion, the more it will seem necessary, in explaining its collapse, to fall back on a deep, original, ineradicable incompatibility between the two components which it tried to fuse together.

In certain passages it appears to me that M. Pirenne has allowed this incompatibility to show up too strongly. In the narrative of the adaptation of the Dutch *grondwet* or fundamental law to the new united kingdom (pp. 254-6) the impression is given that the Belgian commissioners formed a compact liberal party working against an equally consolidated body of Dutch absolutist commissioners. This is to simplify the issues unduly : the divisions were only partly on national lines. There is one very unfortunate phrase : the *grondwet* ' s'élargit sans se transformer. L'égalité des cultes, l'admissibilité de tous aux emplois, la communauté financière et la communauté économique ne pouvaient altérer son caractère essentiellement monarchique '. Not one of these principles was, as would be inferred by any but a very vigilant reader, a guarantee inserted into the law in deference to Belgian liberalism. Nor is it quite fair to say that Castlereagh got William's acceptance of the eight articles ' non sans peine ' (p. 236) : it was not the articles themselves, but the conditions linked with them which William was reluctant to accept. In M. Pirenne's narrative (p. 234) British policy in 1813 is itself made out somewhat more Machiavellian than we are accustomed to think it. Later in the book, the pages on the constitution of independent Belgium (442-52) emphasize its eclectic and cosmopolitan character so strongly that they do not clearly show the closeness of its kinship with the French charter of Louis-Philippe. As in the history of parties and negotiations, so in that of civilization there are indications that M. Pirenne's sympathies are slow in extending to the Flemings and the Dutch. I am puzzled by a passage about the French language which begins : ' Son expansion n'avait nui en rien à la culture flamande ' (p. 351) : it seems to assume that ' la culture flamande ' should be content with a modest usefulness among the poor and lowly. M. Pirenne deprecates the ' dédain frivole ' of the gallicized Belgians for ' la langue et la littérature néerlandaises ' (an adjective which is too ambiguous to have an English equivalent), but I miss in his pages any sense of the lamentable loss and waste of their decline in the southern Netherlands, or any warmth in praising the attempts to renew their life. That the generous efforts to promote education failed to avert the triumph of liberal ideas from France is for him only ' une curieuse ironie du sort ' (pp. 320, 349).

Few historians escape from the danger of simplifying too much, and the danger is greatest for those whose literary gifts are highest. The nearer one approaches contemporary problems, whether by coming close to them

in time or by handling older problems which are akin to the new, the more does a decided choice of sides seem the right way of simplifying a complicated subject. I mean no disrespect to a great master of historical writing when I say that the sixth volume of M. Pirenne's still unfinished book has suffered from these disadvantages. In the troubled history of Belgian independence one great cause was vindicated, but another met defeat; and it is hard to avoid believing that the truest history of Belgium would admit that the unity of the state has outrun that of the people.

G. N. CLARK.

Holländische Wirtschaftsgeschichte. Von ERNST BAASCH. (Handbuch der Wirtschaftsgeschichte, ed. Georg Brodnitz.) (Jena: Fischer, 1927.)

THE author, well known as a specialist in the commercial and general history of the city of Hamburg, was perhaps the best trained among German economic historians to write the history of a nation that in the pre-eminence both of the economic and of the communal principle has been a sort of successor to the medieval power of the German Hanse. Herr Baasch himself seems to have viewed his subject somewhat in this light. For he does not begin his account before the rise of the first modern state of Holland through the union of Utrecht, although in an introductory chapter on the peculiar features (*die Eigenart*) of Dutch economic life he has to admit that the greatness of the United Provinces, most of all that of the city of Amsterdam, can only be understood against its medieval background. As those who know his monographs on Hanseatic matters will expect, his new book is not at all easy reading. It is not meant to be a consecutive narrative, nor is it much occupied with the dramatic and picturesque sides of the events that in the imagination of readers generally seem to have taken something of the classical style of Schiller and Motley, Fruin and Blok. Mynheer Busken-Huet's book on 'the country of Rembrandt' is quoted for much useful cultural information, but its more general point of view is not adopted. Nor do the great religious and spiritual struggles of Holland shine through more than quite occasionally, and the tortuous development of the teaching of Hugo Grotius might even from the economic standpoint have deserved a fuller treatment, such as Walther Vogel has sketched out in *Meereskunde*, 136.

Yet for this very reason of rigorous limitation to the economic theme no modern work, even in the Dutch language, better fulfils the proper requirements of serious and methodical research into the whole field and all the complications of an economic system. The disposition of the subject-matter into chapters, each describing a great branch of the economic activity of a given period from agriculture to banking and colonial policy (a plan imposed very justly by the editor of the series), forms an exact scheme that aids as well as forces the author to avoid the easy and often dilettanti ways of personal and pragmatic explanation and to strive instead for the collective and theoretical grouping of facts that is indispensable to the economics of the present day, and consequently alone able to connect the economic past with the economic present. Of course in many single cases this grouping of facts may be open to debate, e. g. the accounts of fisheries, shipping, commercial and colonial policy might perhaps have gained by

a somewhat closer contact. Indeed, between a first part embracing the republic down to the French Revolution and a third part treating of the national kingdom of 1814 down to the most recent times, a brief second part throws off the fetters of subdivision for a synthetic view of the Napoleonic period. It is here that the importance of what is properly called economic policy, i. e. the influence upon economics of constitutional and institutional law and administration, naturally comes out clearest. But that is not to say that the sacrifice of unity in the other two parts is at all too great. In the present stage of historical research, there are dozens of good constitutional histories to one good economic history. An excellent index of names and subjects is the best of keys to the wealth of material spread along the different chapters, and the valuable bibliography hardly misses even relevant articles of periodicals, at least as far as Dutch and German literature goes; relations with England have attracted the author less, as the omission of important contributions by Edmundson, W. R. Scott, and G. N. Clark would appear to show. It is rarely that a Dutch standard work, such as, e. g., C. Ligtenberg's book on poor relief at Leiden (*ante*, xxiv. 614), has escaped the author's attention.

Impossible as it seems to give the barest outline of the results of Herr Baasch's painstaking researches, it is perhaps well to point to some matters that will be most welcome to the economic historian because they lie aside from the beaten tracks of Dutch history. There is a keen critical understanding of the seamy side of the national economic system, viz. the one-sided predominance of the towns and their trade over the country and agriculture: more especially a good chapter on taxation proves that the famous mother country of indirect taxes has up till recently been overburdened with an economically unsound system of public finance. Altogether new and invaluable is most of the material in the third part on the nineteenth century, where indeed the voluminous collections of Colenbrander and Posthumus are for the first time exhaustively employed for the purpose, and recourse is had repeatedly and successfully to the contemporary articles of the Dutch *Economist*. C. BRINKMANN.

From Bismarck to the World War: A History of German Foreign Policy, 1870-1914. By ERICH BRANDENBURG. Translated by ANNIE ELIZABETH ADAMS. (London: Milford, 1927.)

THE first edition of this solid and judicious work was published in 1924; but the English translators have used the second (revised) edition. Dr. Brandenburg relies principally on the archives of the German Foreign Office. He says frankly in his preface that he has 'only examined those portions of the huge material which seemed to me significant for the vital points'. More than this can hardly be expected of an individual worker. In publishing he has been able to utilize the first twenty-one volumes of *Die Grosse Politik*, which carry the story to the end of 1905. It is interesting to observe that not all the documents which he considers relevant are to be found in that vast collection. The chapters in which he cites unpublished materials, belonging to this early period, are chiefly 3, 4, and 6, the subjects in question being the Sino-Japanese war, Anglo-Russian relations 1895-7, and the Samoa problem. It is seldom that Dr. Brandenburg has occasion

to supplement the work of Dr. Thimme on purely European topics; and, generally speaking, it is seldom that Dr. Thimme omits something which he clearly ought to have included. Dr. Brandenburg therefore confirms our faith in the editing of *Die Grosse Politik*. The second half of his work (ch. 10-19) is founded entirely upon his own collections, is less compact and detailed, and will probably have to be revised with the help of the later volumes of *Die Grosse Politik*. But it contains searching studies of certain episodes, particularly the naval discussions of 1908-12 (ch. 11, 15), the Bosnian crisis (ch. 12), and the dispatch of the *Panther* to Agadir (ch. 14). In each of these cases Dr. Brandenburg supplies us with a documented narrative. He has clear views about the mistakes of German policy. He is unsparing in his criticism of the erroneous assumptions of Holstein and Tirpitz, of the maladroit diplomacy of Bülow and Kiderlen-Waechter; and he holds that these four statesmen were eminently to blame for the isolated position in which Germany and Austria-Hungary found themselves in 1914. But his judgements are based on a review of the facts, and the facts are never twisted to support his judgements. His main conclusion, that no German statesman—with the exception of Tirpitz—was persistently following one grand design, seems to be abundantly proved by the narrative; the same may be said of a point, which he makes less emphatically, that German diplomatic methods were needlessly violent, and were also amateurish in the sense that the Wilhelmstrasse continually failed to foresee what might be the opponent's retort to a particularly daring move. We are not sure, however, that Dr. Brandenburg has squarely faced the question how Tirpitz came to be a sort of estate of the realm in himself. His ascendancy was indeed remarkable. He seems to have been quite confident that, in 1906, he might have obtained for the asking twice as many battleships as he actually put upon his programme (p. 275). For some time, it is true, he had the Kaiser's unconditional support. But, even in imperial Germany, court influence alone would hardly have enabled Tirpitz to override Bülow's counsels of moderation as he did in 1908 (pp. 290-4); for Bülow, three years before, had fought the emperor over the treaty of Björkö, and had vindicated the ultimate responsibility of the chancellor for the management of foreign relations (p. 236). In 1911 Tirpitz obliged the emperor and the chancellor to permit the immediate introduction of a supplementary naval law; he brought them round to this plan by a simple threat of resignation (p. 398). This was the reason why the Haldane mission was foredoomed to failure. Just before Lord Haldane visited Berlin the emperor and the chancellor were feebly endeavouring to discuss the terms of a political reconciliation with the British government. They dared not inform Tirpitz of what they were doing, though all they were doing was to find an excuse for not discussing naval matters (pp. 402-4). In the conferences with Lord Haldane the secretary of state, Kiderlen-Waechter, did not appear at all; neither had he been consulted beforehand. The chancellor had two conferences with the British envoy, but only on the eve of the second conference was the chancellor allowed to know what the German admiralty would or would not concede (pp. 405-6). Tirpitz in fact was master of the situation. A remarkable personality, no doubt. But could he have exercised this degree of influence if he had not behind him an important body of public opinion? The naval programme was an issue

simple enough to excite the interest even of those average citizens who, according to Dr. Brandenburg, had no real interest in foreign policy as such. The navy was for them a symbol of national progress, or a means of conquering colonies and commerce. All over Europe, and even in this country, the state was coming to be regarded as an earthly providence which had the power, if it had the will, to enrich its subjects more quickly than they could enrich themselves. To wage wars for colonies and commerce was perhaps inhuman. To obtain colonies and commerce by threats of war was sound and honest business. The weak and cowardly and sluggish would go to the wall ; the prosperity of the fittest would be assured. This school of thought had its disciples in every civilized state. Its existence explains many of the blunders which Dr. Brandenburg so faithfully exposes.

H. W. C. DAVIS.

International Rivalries in Manchuria, 1689-1922. By PAUL HIBBERT CLYDE. (Columbus, Ohio : Ohio State University Press, 1926.)

China and her Political Entity (A Study of China's Foreign Relations with reference to Korea, Manchuria, and Mongolia). By SHUHSI HSÜ. (New York : Oxford University Press, 1926.)

DR. CLYDE has written a very thoughtful, painstaking, and informing work, and the student will find that he is on the whole unbiased in his judgements, that in every instance he presents the whole of the case against which he finds himself forced to decide, and provides his readers with all the material required for forming their own judgement.

The story told by Dr. Clyde begins about 1650, and, after forty years of struggle, by the treaty of Nerchinsk in 1689 the boundary between the Russian dominion and Chinese Manchuria was declared to be the Stanovoi mountains, being the northern watershed of the Amur river. A century and a half later, in 1848, Muravieff (Amurski) came to Eastern Siberia as governor, and in ten years Russia absorbed the territory north of the Amur, founded Nikolaievsk at its mouth, and annexed the island of Saghalien ; and in 1860 Ignatieff obtained at Peking the cession of the area between the Ussuri river and the Pacific, the province of Primorsk. The territory transferred had an area of close on 350,000 sq. miles, exceeding the combined area of Great Britain, Ireland, the Netherlands, Belgium, and France. Expansion towards an ice-free port then became the Russian policy, and the peaceful penetration of Korea in 1884 was prevented only by the direct intervention of China, the suzerain power, by the appointment of Yuen Shih-kai as resident, and by the substitution of Mr. H. F. Merrill in the customs, and Mr. O. N. Denny in the Foreign Office, for Mr. P. G. von Möllendorff. Korea had for many centuries been a vassal of China ; but the very idea had been irksome to Japan, and the desire to end the relation was the motive which led to the Sino-Japanese war in 1894-5. This war gave the Liaotung peninsula to Japan, only to be snatched away and (temporarily) restored to China through the intervention of Russia, France, and Germany. The Manchurian chestnuts fell to Russia. Her policy was at first a peaceful penetration by railways (precursor of dollar diplomacy) ; but the military party and the grand dukes defeated the wise plans of her finance minister, Witte, and in 1900 she pursued a particularist policy

which, in 1904, brought Japan into the field. The later events, leading to the substitution of Japan for Russia in dominating Manchuria, are described by Dr. Clyde in a detailed narrative of much clarity. In so far as he has a bias, he is inclined to give judgement against Russia and uphold Japan, but has no expression of sympathy for China in her passive acceptance of her calamities.

On some minor points of technique we may find fault with the book. It has no index, but the fault is mitigated by a full (and paged) table of contents. It has an excellent bibliography; there might with profit have been added to the books: Henri Cordier, *Expédition de Chine, 1857-8 et 1860* (1905-6); M. S., *Expansion des Grandes Puissances en Extrême-Orient* (1899); E. Driault, *La Question d'Extrême-Orient* (1908); J. Macgowan, *Imperial History of China* (1906); Putnam Weale, *The Coming Struggle in Eastern Asia* (1908). 'Sowerley' should be 'Sowerby'.

Then in Chinese proper names some uniformity would be advisable. We have (p. 150) 'Chenhsiang-tun' and (p. 153) 'Hsinmintun'; we have (p. 74) 'the Shan-hai-kwan-Newchwang-Hsinmin-tun railway'; as well write 'Ox-ford', or even 'Ox Ford'. Dr. Clyde has written 'Kuang Hsu', and even (p. 155) 'Kuang Hsu Era'; he should have written 'Kwanghsü'. 'The Three Eastern Provinces' (p. 1) is merely a modern expansion of Kwantung, 'east of the portal', i. e. (the territory) east of (Shanghai) kwan, the portal at the end of the Great Wall where mountain (*shan*) and sea (*hai*) meet. 'Liaotung' does not apply to the whole of the province, but only to the area east of the river Liao, Liaohsi being the area to the west of the river. 'T-shan' (p. 13) should be 'Ishan' or 'Yishan'. The reference p. 165, n. 3 to vol. iii, p. 153, had better be to vol. iii, pp. 127, 434, and 446.

Dr. Hsü's book is on the same lines as Dr. Clyde's and covers a wider field; but it will not appeal to so large a body of English or American readers. Dr. Hsü falls into the error common to so many of his countrymen writing for the information of the occidental world, in thinking that that world is attracted, or is much influenced, by propaganda of a patriotic character, which on the contrary repels it and drives it to the defensive. He naturally presents the Chinese case in disputes with western powers; but he defeats his own purpose when he presents the motives or actions of the West in a light which his readers will know is neglectful of the historical truth. Thus he gives (p. 65) the result of 'the Opium War (1840)'. He is right, as a Chinese, to call it by this name, since to the Chinese there was no other cause of the war than opium; but he is wrong in cloaking the fact that to the West (for the British were fighting the battle of the West) opium was only an incident. In the treaty (1842) which ended the war, the terms were dictated by the victorious British, and opium was not even mentioned; the points settled in the treaty were the equal status of the two powers, the dignity of the consuls, the security of life and limb, the privilege to buy land and build houses at five ports, the publication of the customs tariff which had not before been known, and the provision of a haven of refuge in place of Macao, from which the foreign merchants had been expelled in 1840. In thus ignoring all the just grievances of the Europeans, Dr. Hsü only copies all his countrymen, but he cannot expect his western readers to follow him. Apart from his patriotic bias his book is very informing and well documented, and it has the great advantage of citing

the Chinese authorities for his historical statements. He shows how uniformly the emperors deliberately elected not to annex the buffer states, but rather to make them tributary and vassal (pp. 17, 27, 110, 349), and how often they deliberately refrained from sending help to a threatened vassal; and he elucidates the regular policy of creating a 'twilight zone' surrounding the brightness of Chinese civilization and shutting out the darkness of barbarism (pp. 9, 15, 24, 39). When danger threatened a vassal state the Chinese Empire too often sent out a piteous appeal to the rest of the world to preserve the *status quo*, apparently conceiving that it was no part of the duty of the suzerain power to remedy the abuses which had occasioned the danger, or to supply the force which alone could maintain the existing conditions. Even in the Boxer rising he maintains (p. 237) the responsibility of the foreign powers: 'On the 14th [August] the foreign troops entered Peking and raised the siege of the legations which they had by their own rash acts precipitated on June 17th.' Making due allowance, however, for this inclination to propaganda, the reader will find in this work a detailed account, fully documented, of the successive acts of aggression of Russia and Japan, and the consequent excision of Liuchiu (Loochoo, Riukiu), Korea, Manchuria (Kwantung, Tungsansheng), and Mongolia from the empire, with an able analysis of Japan's twenty-one demands, the consequences following on President Wilson's abandonment of dollar diplomacy, the proceedings at the Washington conference, and the recognition by China of the Soviet republic.

The book is a handsome volume; it has an adequate index, a good table of contents, and a sufficient bibliography (under the heading 'List of Special Abbreviations'). On the title-page we see the author's name Shuhsi Hsü, where following the western custom the family name comes last; and three pages farther on a quotation from the great statesman Li Hung-chang, and elsewhere many another Chinese name, with *more Sinico* the family name first; while on p. 303 in the same line we have S. K. Alfred Sze and Yu Szu-hsiang, where Sze and Yu are the two family names. Moreover, in the last two names Sze and Szu represent the same sound. For these the author is not generally responsible; but his own name Hsü is the only Chinese word in the volume to which he gives diacritical marks, so that the reader has the same u to pronounce in Kwanghsü (which he prints Kuanghsu), Tzehi (Tsuhsi), and Yu Sze-hsiang (Yu Szu-hsiang). For about the first eighty-two pages the dates of documents cited in footnotes are given thus: Tao [kuang] 24/3/ kuei mao, in the order reign-title, day, month, year (of the Chinese 60-year cycle); from p. 83 on they are generally given thus: Tung [chih] 10/7/29, in the usual Chinese order reign-title, year of reign, month, day. No intimation of this change in the method is given to English readers, who normally abbreviate their dates thus: 25/4/27 (day, month, year) or to Americans, who normally write 4/25/27 (month, day, year). In Laocius (p. 24) few occidental readers will recognize the sage whom a thousand writers in the languages of the West are agreed in calling Laotze.

H. B. MORSE.

The Judges in Ireland, 1221-1921. By F. ELRINGTON BALL. 2 Vols. (London : Murray, 1926.)

DR. ELRINGTON BALL deserves the thanks of all students of Irish history for the lists of legal dignitaries and the biographical notices which are the most striking features of these volumes. For the period before 1485 he has made use of the calendars produced by the English and Irish Record Offices, but especially of the calendars of the English Patent Rolls, in which Irish judicial appointments (being generally made under the Great Seal) are generally enrolled. For later periods he has used the *Liber Munerum Hiberniae*, the calendars of State Papers, the calendars of the Patent and Close Rolls of Ireland, the printed records of the inns of court, and many miscellaneous sources. Generally speaking his object has been to elucidate the professional career of every judge, though he has wisely incorporated other miscellaneous information which is not to be found in the obvious works of reference. A large number of his dignitaries are noticed in the *Dictionary of National Biography*. In many cases he supplements or corrects the Dictionary ;¹ but it is regrettable that the reader cannot always discover on what source the correction is founded. Slight variations of date, for instance, always raise the question whether a correction is intended, or whether the variation is a clerical error. It is no doubt the inclination of a modest man to correct *sub silentio*, but modesty may be carried to a fault. Still, Dr. Ball appears to be extremely accurate in facts and dates. It is a pity that he had not at his disposal the whole of the first series of the Venns' *Alumni Cantabrigienses*. That work would, for instance, have saved him from the slight confusion (p. 200) between James Reynolds, chief justice of the Irish Common Pleas, and a kinsman of the same name. It would have shown that Archbishop William Rokeby (i. 192) was ordained sub-deacon six months after he had been presented (August 1487) to his first benefice ; that he was a considerable pluralist before he became a fellow of King's Hall, Cambridge ; that he held his fellowship from 1495 to 1506 ; and that he received the degree of doctor of canon law at Cambridge in 1495-6. But in collecting information of this kind Dr. Ball often shows himself superior to the contributors of the *Dictionary of National Biography*.

The more general chapters of this work embody some interesting materials partly drawn from unpublished sources. We may notice in particular the career of John de Grauntsete, a Cambridgeshire man who married the daughter of the mayor of Dublin before 1308, practised as an attorney in Dublin until 1326, and then became a baron of the exchequer (i. 27 ff.) ; the account of the demoralization of the Irish judicature 1559-86 (*ibid.* 139 ff.) ; the history of the reform effected by the introduction of Englishmen as judges, 1586-1620 (*ibid.* 238 ff.) ; the outline of the career of Sir Richard Cox, who was chancellor from 1703 to 1707, and the first among Irish lawyers, perhaps also the wisest among Irish statesmen of his time (ii. 4 ff.) ; the tables in the fifth book (ii. 85 ff.), which show how the English element on the Irish bench diminished during the eighteenth century, until under George III the bench was practically monopolized by

¹ e. g. he establishes the parentage of Archbishop Walter Fitzsimons (i. 189), John Alen (i. 195), and George Cromer (i. 198).

Irish lawyers trained in England. In the sixth book there is an ill-judged attempt to make George Canning responsible for the system of political appointments to the Irish bench (ii. 265). It is true of course that Canning appointed Plunket. It is true also that the last three appointments made by George III and the first two made by George IV had been non-political. But these were brilliant exceptions. Before and after the union judgeships were regularly granted for political services; in the early eighteenth century, as Dr. Ball himself remarks, a seat in the Irish house of commons was a necessary qualification for judicial office (p. 109), and this rule was not much relaxed in the epoch of Grattan's parliament. Canning in his appointment of Plunket returned to the normal practice. Wellington and Peel continued it, and so did Grey. Dr. Ball appears for some unknown reason to cherish a deep dislike of Canning.

H. W. C. DAVIS.

Histoire de la Nation Française. Tome II. Géographie politique et géographie du travail. By JEAN BRUNHES and PIERRE DEFFONTAINES. (Paris : Société de l'Histoire Nationale and Plon-Nourrit, 1926.)

THE first volume of this sumptuous history, which stands under the name of M. Gabriel Hanotaux, appeared in 1920. The volume now before us is its complement, the second part of M. Brunhes's *Géographie humaine de la France*, which, in M. Hanotaux's huge conception, leads up to the *Histoire politique*, the *Histoire religieuse*, and the other specialized volumes, many of which have already appeared. It may be well to recall the contents of the first volume. There were, besides M. Hanotaux's general introduction, chapters on the geological formation of France; its climate; the formation of its people; a series of chapters on *fleuves, relief et villes*; a chapter on place-names, *les fossiles de la géographie humaine*; a chapter on languages and dialects. Then, coming nearer to the field of the historian in the narrower sense, were the sections on *provinces et pays*; on the vicissitudes of territorial nomenclature; on the departments, their history and defects; on village types and what M. Brunhes calls *le 'semis fondamental' du peuplement*; on the types of houses characteristic of the different regions and *pays*. The whole, and this applies to both volumes, is made to live in diagrams and maps and above all in illustrations which are alone a *géographie humaine*.

This second volume begins with Paris: its size, its history, its beauty, its restaurants, its traffic; everything about Paris; written with the proud, devoted care which lovers of Paris will appreciate, illustrated with sketches which will give them, as was intended, *la nostalgie de Paris*. From Paris to the *métropoles régionales*, and so to a brilliant historical discussion of town sites and town types and to a fully illustrated chapter on *les églises, les châteaux, les remparts et les ponts comme facteurs du paysage français*. The rest of the politico-geographical section deals with the history and geography of roads and the means of transport generally; with the ports and the mercantile marine; and, at full and sometimes passionate length, with the continental frontiers. This last section seems to contain, unless it has been misread, on p. 266, the doctrine that victory as such gives a claim to territory. Was not this Bismarck's doctrine of '71?

The final section, of some 300 quarto pages, contains the *géographie du*

travail, qui est à la fois géographie économique et géographie sociale (p. 330). It is a mine of information for the historical economist. At the risk of turning a review completely into a catalogue a few samples from the mine will best do justice to it. There is the historico-geographical antithesis of 'champagne' and 'bocage' country (pp. 331 *seqq.*), most illuminating for the Englishman with his memories of 'champion' and 'enclosed'. The Englishman learns also the original meaning of *sartage* (pp. 346-7) in the land from which Anglo-Norman borrowed its *essart*. There is the history of vineyards; of mills and milling (the mill pictures are delightful) and of bread; of potato cultivation; of the vegetable trade with England; of crop-rotations and of agricultural gangs. Garden history, the history of Roquefort cheese, of the Charolais cattle, and the Percheron horses are not neglected. So the enumeration might continue. Encyclopaedic as it all is, it is held together by strong threads of art and patriotism. We are not only told about the oxen and the horses: we see and admire. A Frenchman writing of the artistically handled products of the soil of France can use the patriotic superlative with little risk of challenge; but when M. Deffontaines wrote (p. 467) *il n'existe de bon cidre qu'en France* had he, *en géographe consciencieux*, first sampled *le cidre du Herefordshire*?

Towards the end there are remarkable industrial sections and an invaluable account of post-war reconstructions and developments. At the very end comes the haunting problem of population handled with great knowledge, great judgement, and great restraint. There is an appendix dealing with the history of topographical science, of French map-making, and of the meridian of Paris, which had very strong claims *de demeurer le méridien initial* (p. 621), *honneur qui devait lui être ravi par le méridien de Greenwich, au début du vingtième siècle*. As a compatriot of the meridian of Greenwich one is glad to note that the ravishing was done by a French law.

J. H. CLAPHAM.

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Short Notices

Dr. C. Clemen in his little book, *Religionsgeschichte Europas. i. Bis zum Untergang der nichtchristlichen Religionen* (Heidelberg: Winter, 1926), attempts an impossible task, for the ground cannot be adequately covered in the space. The first 65 pages summarize what is known or conjectured about the religious usages and beliefs of the stone, bronze, and iron (Hallstatt and La Tène) ages in Europe; 74 pages are given to Aegeans, Etruscans, Ligurians, Iberians, and Finno-Ugrians; the remainder to the Indo-Germans, of which the Greeks take 31 pages, the Romans 40, and an attempted reconstruction of 'die urindogermanische Religion' 62. The chief merit of the book lies in the convenient summary of the scattered facts about the cultures of which little is or can be known, and in the exposure of many fantastic hypotheses. Its chief defect will already be apparent from the paginal proportions. The 'urindogermanische Religion' remains highly hypothetical, and this speculative problem has led the author, in my opinion, to stress the wrong things and so to distort the outlines of the religions of classical antiquity. The historical problem of the relations between Aegean and Greek religion is not adequately defined nor grappled, nor does he seem here completely at home with the evidence. Some of us will find it difficult to believe that the Greeks, first Ionians, then Achaeans, and last Dorians, entered Greece at the end of the third millennium B. C., or that the gold objects in the Shaft Graves were the spoils of an Achaean sack of Cnossos and Phaistos. An ivory boat-shaped casket like that figured upon the Agia Triadha sarcophagus has been found in Crete. There is no reason, therefore, to suppose that the picture necessarily represents a boat of the dead. Why the armed figure on the famous gold ring from Mycenae should be called a goddess (p. 97) rather than a god is obscure. Again, archaeology may be said to have at last settled that Etruscans were not in Italy in the fourteenth or thirteenth century B. C. (p. 112), and that they did not immigrate by land (p. 113). That Apollo came from Asia Minor is a matter for dispute. If so dubious a point needed insertion, Nilsson's views connecting him with the Middle East should have been mentioned. There is no evidence that Hera was originally the Earth, nor that the dog was the general object of Greek cult, nor that the participation by the worshippers in the flesh of Olympian sacrifices was a secondary development. The attempt to strain Homer's phrase about 'honouring a chieftain like a god' to square with an 'urindogermanisch' worship of kings is an example of the distortion criticized above, and the historical cult of Lysander has, of course, nothing to do with 'Urindogermans'. With Farnell I disbelieve in the identity of Dioscuri and Asvins. Naturally, there is much to be gained from a

book by so learned a scholar as Dr. Clemen, and the reader will profit by a number of useful references to specialist literature. Here, too, however, the direction is a little indiscriminate. My final feeling is that of disappointment. If a general survey is to be written on this scale, everything turns upon a right sense of what to put in and what to omit, and here the book seems open to serious criticism. W. R. H.

Although the discovery, reproduction, and interpretation of the relics of pre-Islamic civilization in Arabia have been slow, the time has arrived wherein results can be collected and arranged, so as to form a basis for further research. The richly illustrated volume, *Die altarabische Kultur*, which constitutes the first part of the *Handbuch der altarabischen Altertumskunde* (Kopenhagen: Nyt Nordisk Forlag; Paris: Geuthner; Leipzig: Harrassowitz, 1927), is therefore welcome, and the names of its editors are a guarantee of its excellence. Professor F. Hommel, best known perhaps as an Assyriologist, is a veteran in this field; Professors D. Nielsen (the chief editor) and N. Rhodokanakis are among the foremost Arabian epigraphists and archaeologists of a slightly later generation. Professor Grohmann, a pupil of the last named of these scholars, who contributes a chapter on architecture, sculpture, and other artistic work, is well known as the author of a classical treatise on *Göttersymbole und Symboltiere* in these monuments. The subjects with which this volume deals, the history of the study, the political history of pre-Islamic Arabia, its internal economy, its archaeology, and its religions, have been each assigned to specialists. The record of the expeditions to which we owe most of our knowledge of it is one of heroism and daring. The favourable judgement passed by Dr. Hogarth on the pioneer, Carsten Niebuhr, is quoted with approval; but the warmest encomiums are reserved for Ed. Glaser, who did not suffer from excessive compliments in his lifetime. Dr. Nielsen attributes the failure of the Müller-Landberg expedition entirely to the action of the British government in forbidding the explorers to advance from Aden into the interior. Those who remember the war of pamphlets which followed that failure are aware that there was another cause which had no connexion with our government. Composing history out of imperfectly understood inscriptions is a formidable task; the biographical element is almost entirely wanting: obscure allusions have to serve instead of records. Something had been done by M. Hartmann in his *Arabische Frage* to systematize the information furnished by the inscriptions concerning the constitution of the S. Arabian states and their economy; but the work of Dr. Rhodokanakis presents a great advance on that of Hartmann, chiefly due to his own study of inscriptions in the Glaser collection, interpreted by him in a series of monographs which have evoked unqualified admiration. We learn with surprise that such a state as Kataban, though ruled by a king, had some sort of constitution: it had assemblies, with executive and some legislative power. 'The Crown, the senate, and the public assembly together constitute the government.' In other states a sort of feudal system became established. We are in fact confronted with a highly developed civilization, capable of considerable achievement in architecture and art. And what Dr. Nielsen has succeeded in enucleating about the religious ideas of the pre-Islamic Arabs is not unworthy of their achievements in these other

fields. It is clear that this work will be indispensable to those who occupy themselves with the subject of which it treats.

D. S. M.

Some forty years have passed since Dessau in *Hermes*¹ first put forward his famous theory of the composition of the *Historia Augusta*, and since that time there has been a continuous stream of writings poured forth upon this controversial subject—Mr. Baynes's bibliography includes nearly sixty names, and over one hundred articles or books—among the most remarkable perhaps being the effort of von Domaszewski to push the date of composition down into the sixth century and make it contemporaneous with Gregory of Tours. For many years Mr. N. H. Baynes has been engaged with the problem, during which he appears to have read very nearly everything accessible, and he now comes forward with a solution of his own in *The Historia Augusta: its Date and Purpose* (Oxford: Clarendon Press, 1926). This theory he had already outlined in the *Classical Review*,² and it is, put briefly, that the date of the work which we call for convenience the *Historia Augusta* must be placed about the year 362/3, and that the purpose of this collection of biographies was propaganda for the constitutional and religious programme of the Emperor Julian. This thesis he defends and elaborates with a wealth of learning and ingenuity and with a power for sustained argument that is as impressive as it is convincing. Only more remarkable is the scrupulous fairness with which the author presents his case; the views which he combats or criticizes are often quoted *in extenso*, full justice is done to his predecessors (as for instance to Tropea, p. 57), difficulties in his own theory are indicated, and a solution for these difficulties propounded in the most impartial manner. Such a solution is certainly the most satisfying and the least complicated that has been suggested since the long controversy began. Mr. Baynes himself would be the last to suppose that it is final; it must be tested yet, as he himself says (p. 113), in every department of Roman antiquities, but it looks as though it would emerge triumphant from the test. It is true that Dessau will not recant: but it is significant that the learned editor of the Teubner *Historia Augusta*, Hohl, has expressed his agreement with Mr. Baynes's thesis, and not stinted his praise, in a recent number of the *Philologische Wochenschrift*.

M. P. C.

The Norman commemoration of William the Conqueror has led, no doubt, to the publication within the last few months of two studies by Monsieur H. Prentout, Professor of History at Caen. These are *Études sur quelques Points d'Histoire de Normandie* and *Guillaume le Conquérant, le Chef d'Armée et l'Organisateur* (Caen: Lancier, 1926, 1927). The earlier criticizes Professor J. Steenstrup, and we think successfully, for his paper on 'The capture of Luna in Italy' (1923), and shows reason to believe that the first Norman expedition to Tuscany was before 826: very carefully traces the origin of the house of Bellême: deals with new evidence as to the Bayeux tapestry: and concludes with a valuable investigation as to the date of the birth of the Conqueror, which M. Prentout is inclined to place towards the end (the last three or four months) of 1028. The second monograph, parts of which were eloquently delivered at Falaise

¹ Vol. xxiv.

² Vol. xxxviii.

in July last, summarizes with acuteness and accuracy the history of the years 1055-60, and estimates very ably the work of the Conqueror as a general and an organizer of victory. Both studies should be read by all students of Norman history. The list of the companions of William in his English expedition should be taken to heart by heralds, genealogists, and ambitious persons in search of eminent ancestry. W. H. H.

Volume iv of the *Annali Genovesi di Caffaro e de' suoi Continuatori* (Rome: Istituto Storico Italiano, 1926) has followed its predecessor¹ with commendable rapidity, and we may now look forward to the completion of this definitive edition of the official Genoese history at no distant date. The editor, Marquess C. Imperiali di Sant' Angelo, has shown the same accuracy and care in the text and the same thorough acquaintance with thirteenth-century Genoa in the brief and helpful notes as in preceding volumes; and his introduction on the characteristics and authors of this section of the *Annals* (1251-79) is excellent. From 1264 the compilers, always a commission for these years, are named, and they change in accordance with the political changes in Genoa. But, although these were times of crisis, and the party bias of the compilers, with regard to internal affairs, is not concealed, it cannot be said, important as the *Annals* are for Italian history, that they rise to the level of their theme. In these years the Hohenstaufen fell, Innocent IV deflected the papacy, Palaeologus recovered Constantinople, the duel between Genoa and Venice in the Levant became intense, tyranny grew and freedom faltered in Lombardy, and in Genoa the *popolo*, after a fleeting victory under the despotic statesman, William Boccanera, made that singular and successful alliance with the Ghibelline nobles, by which the commune was run as usual, but under the direction of two co-dictators, Oberto Spinola and Oberto Doria: there is always the curious reminiscence of antiquity in the history of the Italian city-states, Greek in their commercial conditions and foreign complications and Roman in their constitutional remedies. But official reserve, narrow outlook, and trivial detail make the annalists measure these enormous events by troy weight. C. W. P. O.

In 1891 Mr. A. G. Little wrote 'The Greyfriars in Oxford' for the Oxford Historical Society, and since then he has continued to work at the history of the Greyfriars in England. Now, in the *Archivum Franciscanum Historicum*, vol. xix (Quaracchi: 1926), he has written 'The Franciscan School at Oxford', in which he gives discoveries which he and continental scholars have made about the early Oxford Franciscans during the last thirty-five years. The work is small (74 pages), but of pure gold. Every page contains half a dozen facts which were unknown in 1891. It is not a compendium of the earlier work but an appendix to pp. 134-64, where he treats of the *lectors* or, as we should say, the head theological tutors of the Oxford Greyfriars. He is now able to clear up many points which were uncertain then. The date of the death of Adam Marsh is now known to be 18 November 1259, not 1258. The letter of Adam Marsh in which he mentions Ralph de Semplingham as chancellor is shown to be of 1249, not of 1252 or 1253 as Brewer thought, and this helps to settle

¹ *Ante*, xl. 304.

the order of the chancellors of Oxford. The number of inmates in the Oxford convent, which in 1891 could only be guessed, is now proved by new evidence to have been 84 in 1317 and 103 in 1377. The book described by Adam Marsh as *Mater philosophiae* is now shown to be a work of Maimonides. Many discoveries have been made about the works of these early Franciscans, especially about Thomas of York, Richard Rufus of Cornwall, Pecham, Roger of Marston, and Nicholas of Ockham; and it will be a surprise to many to learn how much attention these English writers are receiving from continental students, French and German. The truth is that in the thirteenth century the Franciscans supplied a large proportion of the great teachers of the world, and as Fr. Hilarin Felder (quoted by Mr. Little) has said, 'The English nation gave to the Franciscan Order a greater number of eminent scholars than all the rest of the nations put together.' If we omit Roger Bacon and Duns Scotus, who though trained at Oxford never occupied the post of *lector*, there remain half a dozen or more whose writings were widely studied in the middle ages. To this work, which adds so much to our knowledge of the English Franciscans in the thirteenth century, one can only contribute a mite, viz. that the date of the grant of William of Wileford (p. 4), which Anthony Wood assigned to the year Michaelmas 1228 to Michaelmas 1229, is really of Michaelmas 1229 to Michaelmas 1230, as we know from the names of the town officers.

H. E. S.

Continuing with tireless industry his publication of Roger Bacon's hitherto unpublished works, Mr. R. Steele includes in Fasc. vi (Oxford: Clarendon Press, 1926) the *Compotus* of Bacon himself, the *Compotus Roberti Grossecapitis*, and the *Massa Compoti Alexandri de Villa Dei*. The labour involved in securing an accurate text of works of this kind must have been enormous, and the sheer demand for accuracy in reproducing some of the tables (e. g. pp. 169 and 265) might have staggered any one except Mr. Steele. In his concise introduction he explains that the development of the *Compotus* (i. e. the science by which time is reckoned) 'resolves itself into three controversies, the method for calculating in advance the date of Easter, the basis of the Christian era, and the faults of the calendar'. Under these three headings he offers some valuable historical information, including a sketch of the various treatises on the *Compotus* from the time of Cyprian to the close of the thirteenth century. This is followed by an account of the manuscripts used or consulted in the present edition. Modern students at Oxford will doubtless be glad that they are not now compelled 'to spend eight whole days in lectures on *Algorism*, the *Sphera*, and the *Compotus*', and naturally it will only be a very few who will care to follow Bacon's arguments in detail. Yet, in a sense, we find him here at his best. The extent of his learning must command the greatest respect, and his controversial manner, though recognizable, is less provocative than in his more famous works.

W. H. V. R.

All students of medieval history are greatly indebted to Professor H. X. Arquillière for the service he has rendered to them in bringing out this the first printed edition of *Le plus ancien Traité de l'Eglise: Jacques de Viterbe. De Regimine Christiano* (Paris: Beauchesne, 1926). It forms

a valuable addition to the materials accessible in print to those who are studying the history of the conflict between Boniface VIII and Philip the Fair, and to those also who are interested in the development and statement of the theory that the papacy held the supreme power in temporal as well as spiritual matters. Hitherto the work has been known mainly in the admirable critical summary of its contents in Dr. Richard Scholz's work *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII*. M. Arquillière has carefully collated the three manuscripts of the work, and has prefixed to the text an interesting and excellently arranged critical introduction. He discusses the main influences which are traceable in the work, and also draws attention to those characteristics which are distinctive of the author. He lays special stress upon his attempt to define more precisely than had been done before the nature of the church : this forms the first part of the work. The most important aspect of this is, I think, the contention that the church is essentially a kingdom, the kingdom of Christ and of His vicar the pope ; this is developed in a careful discrimination between the royal and sacerdotal power of the prelates of the church ; they not only 'sacrifice', but they are judges in spiritual matters; they have not only 'orders' but 'jurisdiction'; and he contends that the 'potestas regia spiritualis superior est et dignior quam sacerdotalis' (ii. 4). The second part of the work is, however, mainly concerned with the question of the relative dignity and authority of the 'Royal Spiritual Authority' and the secular authority. Here he represents in its most extreme form, sometimes apparently in relation to Egidius Colonna's work 'De ecclesiastica sive summi pontificis potestate', the principle that the temporal power is in all things subject to the spiritual, for it is contained in the spiritual, and the pope 'prehabet potestatem temporalem'. The author belongs to that group of writers of the late thirteenth and early fourteenth century like Ptolemy of Lucca, Henry of Cremona, and Egidius Colonna, who develop to their highest point the principles asserted in other terms by the canonists like Innocent IV, Hostiensis, and William Durantus.

A. J. C.

The little pamphlet entitled *Les Expectatives in forma pauperum particulièrement au XIV^e siècle* which Camille Tihon contributes to the *Bulletin de l'Institut Historique Belge de Rome* (Liège : Thone, 1925) is a careful study of a system which is of importance from the part it played in sharpening national feeling against Rome, although it has left little trace in the Papal Registers preserved in the Archivio Vaticano. This system was a logical extension of the doctrine that the ordination of a clerk laid a corresponding duty of caring for his maintenance on the prelate who ordained him. A clerk might thus apply to the pope, and if competent receive letters addressed to his bishop or to other executors ordering them to obtain his presentation to the first benefice in the gift of an ecclesiastical patron specified in the letters. The procedure was regularized in the second half of the thirteenth century, and the issue of the warrants for these bulls was committed to a special body of examiners, who tested the capacity of the applicant in reading and construing Latin and in singing, and kept a register of the petitions addressed by the applicants to the Pope and of their own reports on their competence. The concourse of poor clerks to the

papal court was so great that the exercise of this grace had to be limited to special periods, such as that of the pope's accession, but in spite of everything the system came to cause widespread annoyance and to be of very doubtful value to the class which it purported to help. M. Tihon has succeeded in recognizing two of the examiners' registers at the Vatican, one of Gregory XII and another of Paul II, and has described the whole process in full detail with illustrative texts and a facsimile of a page of the register.

C. J.

The *Deux Inventaires de la Maison d'Orléans (1389 et 1408)* (Paris : Champion, 1926), here published in full for the first time, deal with the possessions of Valentina Visconti, only daughter of Gian Galeazzo Visconti, who was married in 1389 to Louis, duc d'Orléans, brother of Charles VI of France. One inventory was drawn up in Paris on 8 September 1389 and relates to the property of the duchess only ; the other was made at the castle of Blois immediately after her death, and includes articles brought by her from Lombardy and those which belonged to her and the duke subsequently. To the inventories themselves Miss F. M. Graves provides a useful introduction, describing the social and political *milieu* into which Louis was born and Valentina was married, and giving the chief events in their lives. The significance of the period is, however, not fully brought out. Politically it was comparatively barren, mainly of interest from the birth of the Orleanist and Burgundian feud. But to the student of art and manners it is one of singular fascination, for it sees the birth of the French Renaissance. Under the patronage of Charles V, and his brothers Louis of Anjou, Philip the Bold of Burgundy, and John duke of Berry, comes the transition in the arts from the mannered elegance of late Gothic to the first stirrings of the realism which was to dominate the art of northern Europe and lay the foundations of modern painting ; in the writings of Charles d'Orléans modern French poetry is born ; the predominance of the feudal aristocracy is being challenged by the rising power of the mercantile and official classes ; and the rough, comfortless living of the middle ages, begins to give way to a luxury based on Italian example. The inventories give interesting evidence of the scale on which the household of the two was conducted, though many of their possessions must have disappeared before 1408. In the second inventory, various groups of articles are described as being in charge of this or that person, probably to safeguard them against the duke's enemies and creditors. But enough remains to indicate a high level of splendour and luxury. A taste for this, rather than for art and letters, is predominant. The number of books catalogued is small, and there are no illuminated manuscripts of importance, nor is there any mention of pictures and sculpture. On the other hand, there are many fine tapestries and hangings, and many sets of furnishings for beds, all evidently of great splendour. The outward forms of religion received full recognition in a series of magnificent 'chapelles', the term applied to the complete furnishings of an altar, with the appropriate vestments and sacramental vessels. The reliquaries, table utensils, jewellery, and articles of the toilet described, are all on a sumptuous scale, made with the precious metals and ornamented with enamels and precious stones. For her personal use, rubies and diamonds seem to have been Valentina's preference. Of the

husband's taste there is little evidence. Probably before the second inventory was made, his jewels had passed to his son or had been seized by creditors. Of special interest to the student of costume are the entries relating to clothing, which reveal the bewildering variety of a great lady's wardrobe of the period. Miss Graves's editing is careful and competent.

W. G. C.

Under the modest title *Per la cronologia della vita e degli scritti di Niccolò Perotti* (Roma: Biblioteca Apostolica Vaticana, 1925) Monsignor G. Mercati has given us a scholarly monograph upon a humanist of some note in the fifteenth century. Perotti's most successful work was a Latin grammar and polite letter-writer composed for his nephew Pirro, which, in the course of the fifteenth century only, ran into over sixty editions. He also wrote a commentary upon the *Silvae* of Statius and a voluminous work on Martial entitled *Cornucopia*, which he dedicated to Federico, duke of Urbino, apparently in the hope that the duke would have it printed. Neither Perotti nor Federico lived to see this accomplished, but owing to the good offices of Guidubaldo, duke of Urbino, the *Cornucopia* was printed in Venice in 1489. Perotti's name is known to English scholars owing to his connexion with William Grey, in whose household at Ferrara we find him as a lad of seventeen in 1446. When Grey was made king's proctor at the Curia, Perotti accompanied him to Rome and entered the service of Cardinal Bessarion. Owing to Bessarion's friendship Perotti came into touch with the chief men of his day. Nicholas V was the first pope to show him favour. As papal secretary under Calixtus III he undertook a mission to Alfonso of Naples. Pius II made him archbishop of Siponto, and invited him to preach on the feast of the Assumption at the congress of Mantua. From Mantua he went with Bessarion to Germany, where Frederick III conferred the title of count upon Francesco Perotti (the father of Niccolò) and his descendants, in consideration of the archbishop's services. Between 1464 and 1477 he held different rectorships within the States of the Church, in no case with great success. In 1474 Sixtus IV, with whom he had long been intimate, chose him to pronounce the funeral oration upon his nephew Pietro Riario. His last years were spent in retirement at his villa. Monsignor Mercati has pieced together the material available for his subject with meticulous care, and has cleared up many obscurities. His book contains an account of the Perotti manuscripts in the Vatican Library with several photographs. Among these is a reproduction of the first page of the manuscript copied by Perotti for William Grey, showing the Perotti arms and another coat which the author suggests may be Grey's. It does not, however, agree with Grey's arms as displayed in Balliol College Library, nor with those of Grey of Codnor, of which family he was a member.

C. M. A.

Emanuel van Meteren, a native of Antwerp, settled as a merchant in London, though not a great writer, was the most popular of the contemporary historians of the Dutch war of independence, and his book kept its popularity for two centuries. In three admirable essays Robert Fruin subjected it to the tests of scientific criticism, but the last of these was written nearly forty years ago, and since then a good deal of new material

has been printed. Of this good use is made in Dr. W. D. Verduyn's doctoral dissertation *Emanuel van Meteren* (The Hague: Nijhoff, 1926). From Dr. van Schelven's recent edition of the *Kerkeradsprotocollen* of the Dutch church in London, he is able to tell the story of the historian's long period of excommunication, from 1561 to 1571 or thereabouts, as a supporter of the anabaptist Haemstede. This incident was suppressed by the orthodox minister of religion who wrote the edifying notice of Meteren's life appended to the later editions of his history. Meteren's grandson thought that in youth his grandfather enjoyed the status of an English denizen. In later life he apparently did not, but Dr. Verduyn's conjecture that he may have lost it through this excommunication seems very much in the air. After the biographical details Dr. Verduyn's chief concern is with the still more minute puzzles of the editions of the history. Here he clears up some difficulties which Fruin was not in a position to solve, in particular those of the early German editions. On p. 153 he maintains against Fruin that the manuscript sent back to Meteren by Ortelius from Antwerp was part of a Latin translation; but the grounds for this conclusion seem insufficient, especially the citation of a letter of eight years later. The volume is throughout fully illustrated with excellent photographic facsimiles. Two of the appendixes should be mentioned: the first leaf of a remonstrance of the Dutch merchants in London of 1595 (from a British Museum manuscript for which no reference is given¹), and a careful index to Meteren's printed *Album Amicorum*, of which the original is in the Bodleian. Dr. Verduyn's industry enables him to make a good many corrections in the work of previous writers, but this work of correcting is endless, and several points still require attention. On pp. 27-8 there is a slip in interpreting Meteren's statement in English about his father's share in the production of Coverdale's Bible. The words 'be which meanes here wel acquainted' have nothing to do with the means by which the printing was carried out: they convey simply that by means of the publication he had a good acquaintance among Englishmen. Dr. Verduyn would have done better to follow more recent authorities on this question than Eadie and Stevens. On p. 88 the archbishop 'of Westminster' should be of Canterbury. On p. 178 it should be noted that, before the publication in English of the portion of Meteren's history there mentioned, his account of the defeat of the Armada had appeared in the first volume of Hakluyt's *Voyages*. Meteren's book was also used by Grimeston for his *Generall Historie of the Netherlands* published in 1609. G. N. C.

Mr. Lucien Wolf in *Jews in the Canary Islands, a Calendar of Jewish Cases extracted from the Records of the Canariote Inquisition in the Collection of the Marquess of Bute* (London: Jewish Historical Society of England, 1926), admirably translates and edits only the Jewish cases recorded in seventy-six volumes of documents; but the excellent introduction and the series of documents have in addition a much wider historical appeal. They illustrate the history and methods of the Inquisition, the life of a Jewish community, and also the origin and character of the bodies of Spanish-speaking Jews settled in northern Europe. After the banishment of the

¹ The same remonstrance is in Bodleian MS. Rawl. A. 2, fos. 417-30. This was a copy supplied to Thurloe for the negotiations of 1652.

Jews from Spain, and even after the establishment of the Inquisition in the Canary Islands in 1504, there was a phase of toleration in the islands, where the Jews were not unpopular and even the clergy were indifferent, accepting the outward conformity of these nominal *conversos*. The first public *auto de fe* took place in 1526, when eleven Jews suffered penalties, of whom six were 'relaxed' to the secular arm. Other *autos* followed in 1530 and 1534. The Jewish community was practically rooted out, and very few Jewish cases appeared in the *autos* held in the second half of the sixteenth century. The peace with England in 1604 and the truce with the Netherlands in 1609 introduced a period of comparative toleration in the islands. A prosperous Jewish community revived, consisting largely of Portuguese adherents to Judaism who were not of Jewish origin. But persecution, though less sanguinary than before, never ceased; and the growth of toleration in northern Europe led to a Jewish migration from the islands to the Low Countries, to London, and even to Dublin. Some of the prominent members of the early Sephardi community in London were Canariote Jews. Cromwell's government took note of their presence on the outbreak of war with Spain in 1656. Their names, activities, and character are further revealed through 'spy reports' furnished to the Canariote Inquisitors and, more particularly, through evidence extorted by torture from a Jew who, after travelling widely among the 'Northern Diaspora', rashly visited the Canary Islands in 1662 and was arrested by the Inquisition.

F. A. K.

The generosity of the American Friends' Historical Society has permitted the publication of *The Short Journal and Itinerary Journals of George Fox*, edited by Norman Penney (Cambridge: University Press, 1925). The Short Journal, written in Lancaster Gaol (in 1663-4), is 'a sort of preliminary draft' of the more famous *Journal*, of which Mr. Penney provided the definitive edition in 1911. In the main its substance is reproduced in the later work, but now and then it contains vivid details and striking phrases afterwards omitted. The Itinerary Journal is a chronological summary of the missionary labours of George Fox, 1681-91, and thus fills a gap in his biography. The third item in this volume is the Diary of Edward Haistwell, which records the movements of Fox during 1677 and part of 1678. Perhaps its most interesting feature is the narrative of Fox's journey to Holland and North Germany. He was well received and secured large audiences, but he was 'burdened with their wickedness' when he saw soldiers playing shuffleboard and shops open on Sunday. Unfortunately, here as throughout the volume, the entries are too brief to furnish many sidelights on the social life of the common people, a topic which Quaker literature so often illuminates. Mr. Penney's name is a safe guarantee of the excellence of the notes, but it is a pity that these should have to be sought at the end of the book. Also the retention of abbreviations is a source of annoyance to the reader, whose curiosity about Fox's handwriting (or that of his amanuensis) could be sufficiently gratified by the facsimiles.

G. D.

The Board of Trade, 1748-1782, by A. H. Basye (New Haven: Yale University Press, 1925), explores a field which American historians have

made peculiarly their own. In particular it follows up and supplements Dr. Dickerson's *American Colonial Government, 1696-1765*, in which many venerable traditions are disposed of, including those enshrined in Burke's purple passage on the Board of Trade itself, in the story that Grenville lost America because he was the first minister to read colonial dispatches, and in those parts of the Declaration of Independence which impute to George III a personal responsibility for a wholly imaginary attack on the independence of the colonial judiciary. The Board of Trade was, as these researches have shown, an embryo colonial office, responsible for the ordinary administrative duties arising from an overseas empire, and it is Professor Basye's primary object to determine how far and why it failed to develop into a full-fledged colonial department and to estimate the consequences of its failure. In two points Mr. Basye's very careful and competent treatment of these questions might be regarded as open to criticism. In spite of a quotation on p. 209, which sets out clearly the real status of the subordinate members of the board, he does not seem to appreciate fully that for all practical purposes the Board of Trade, during the period with which he is concerned, may be considered to consist of the first lord and the permanent staff. The importance which he attaches to the personalities of the various sinecurists who filled the various boards is not only excessive, but tends to obscure the discussion of the justification for the abolition of the whole department in 1782. It is misleading to say that 'the loss of the revolting colonies made it not so much a useless establishment as a needlessly expensive one'. The board was always needlessly expensive, because its establishment included seven political sinecures each worth £1,000 a year. In the second place, Mr. Basye tends to exaggerate the disabilities arising from the theoretical inability of the board to take executive action except through the privy council or a secretary of state. Technically, of course, this resulted in a cumbrous, unsatisfactory, and inconvenient procedure, but there is no reason for supposing that it had any effects on major questions of colonial policy. Such questions would have had to be decided by the cabinet, or its equivalent, even if the board had been a real colonial department with executive powers; and the statement that the Board of Trade was 'merely a buffer between the colonies and the cabinet rather than a single link between the colonies and the Crown' does not appear to have much meaning.

R. R. S.

Dr. H. Reissner's *Mirabeau und seine 'Monarchie Prussienne'* (Berlin : Gruyter, 1926) forms one of the *Sozialwissenschaftliche Forschungen*. It is a painstaking pamphlet, with abundant references to authorities and an impressive bibliography, though the notes leave something to be desired. Lauzun is merely described as 'an able and influential diplomat of the ancien régime'. Dr. Reissner has examined his subject from every point of view. He has tried to assign a just share of the work to Mirabeau and his collaborator Mauvillon, professor of military science at the Caroline college of Brunswick—an impossible task, for one provided the skeleton and the other put life into it. Dr. Reissner, however, is of opinion that their divergence on economic questions is noticeable, for Mauvillon gives the pure milk of the physiocratic doctrine, while Mirabeau never got beyond

the axiom 'freedom for goods and men'. He compares the *Monarchie Prussienne* with Frederick the Great's Testament, much to the disadvantage of the former, for he finds the Testament to be the work of a master, full of the experience of a long life, during which he was personally responsible for the well-being of a state of $5\frac{1}{2}$ million inhabitants, while the *Monarchie Prussienne* was the production of a brilliant, untried, irresponsible critic, and a professor with a predilection for *a priori* and abstract reasoning. Dr. Reissner reaches the conclusion that the *Monarchie Prussienne* was a political pamphlet in the guise of a scientific treatise. He places its historical and philosophic value between the Marquis de Mirabeau's *Ami des Hommes* and Arthur Young's *Travels in France*. It was a step in advance of the abstract universality of the former, in that its theories were founded on the facts peculiar to the Prussian state, but it was not the result of the unbiased personal observation which gives its value to the Englishman's book. Dr. Reissner fully realizes that throughout Mirabeau writes as a Frenchman and that his criticisms of the Prussian state system are aimed at the government of his own country, but he does not seem to have arrived at a definite conclusion as to whether Mirabeau intended to write a scientific examination of the Prussian monarchy and failed, or to write a political attack on the French monarchy and succeeded.

M. A. P.

It is difficult to read Professor J. M. S. Allison's *Thiers and the French Monarchy, 1797-1848* (London: Constable, 1926), without an irritation that is perhaps hardly fair to its object. Much time and careful effort have obviously been spent in exploring the sources for this biography to the fateful year of 1848, and it is regrettable that the results of these explorations should have been so carelessly put into shape. It is perhaps pedantic to object to such phrases as 'motivated' and 'featuring'; it can hardly be considered mere pedantry to object to the opening of chapter ii, which reads like an early Victorian 'historical' romance, or to the sprinkling of the pages of the book with unnecessary French phrases. Misprints also are numerous: 'the square hill of Republicans' (p. 122) is one of many instances which have made passages merely incomprehensible. The matter of the book is much superior to the manner, but it may be pointed out that Professor Allison is a little unfair to Louis-Philippe, who in his younger days at least was neither coward nor weakling.

H. M. B.

The lectures which compose *The Political Principles of some Notable Prime Ministers of the Nineteenth Century* (London: Macmillan, 1926) were delivered at King's College, London. They are scholarly and lucid, good both for students and the general reader. Only one serious criticism can be made, namely that the lectures do not give great prominence to overseas affairs. The lecturers are so interested in the personality of their writers, and in the weighty affairs of Europe, that they have no time for the colonies and dominions. The first lecture is on George Canning, and is written by Dr. Temperley with his assured touch. Sir Charles Oman writes robustly on the Duke of Wellington, the record of whose political life he says (a little too dogmatically perhaps) 'is one of a long series of colossal

errors'. This is a particularly interesting paper. Sir Richard Lodge writes with sound judgement a substantial contribution on Sir Robert Peel. Mr. Guedalla writes picturesquely about Lord Palmerston. Mr. Reddaway on Lord John Russell deals fully (within the inevitable limits) with the period down to the end of the Crimean War, and passes over the last thirteen years of Russell's life as 'adding more to his notoriety than to his fame'. All the same it is difficult to see why Russell should not pay the penalty in print of his incompetence as foreign secretary under Palmerston. Mr. Hearnshaw on Disraeli gives a very useful section on the authorities for his life, and a lucid analysis of his principles. Mr. Ramsay Muir writes with noble conviction about Gladstone; his lecture is a discerning statement of the liberal, as Mr. Hearnshaw's is of the conservative, point of view. Mr. C. H. K. Marten on Lord Salisbury courageously quotes much, so that Salisbury is seen speaking for himself. The lecture is an excellent presentation of Salisbury's thoroughly English character.

R. B. M.

The Massachusetts Historical Society have undertaken the task of printing *in extenso* the *Winthrop Papers* and, so far as the first volume, 1498-1628 (Boston: 1925), is concerned, they have spared no pains. To Americans every document that is connected with the history of the founders of the American colonies will seem of importance, but English historians will find here little of historical interest and still less that is really new. The one exception is the diary of Adam Winthrop, which covers the period from 1592 to 1610, and contains a wealth of local and economic information. Beyond this the historical value of these papers is predominantly of a psychological nature. Winthrop's 'Experiencia', though not new—it was printed in the *Life and Letters of John Winthrop*—is fascinating reading for the light it throws on his character, his whipping his flesh to prayer (p. 179), his renunciation of his 'beloved pleasures' (p. 182), his covenanting 'with the Lorde to give over alltogether shootinge—for killinge of birds' because 'it would not stande with a good conscience', especially as he was such a bad shot that he had 'gotten sometimes a veye little but most commonly nothings at all towards my cost and laboure' (pp. 148-9). With this should be read Winthrop's exhortations to the woman he was about to marry as his third wife (pp. 202, 206), and the letter of Forth Winthrop aged 13, to his brother John aged 16 (pp. 250-1). The editorial work throughout is done with great care, though the fact that the year began in March causes much confusion in the editor's dates. The following are a few corrections that should be made: Sarah Frost was married in 1596 (pp. 5, 62, 69); Anne Fones died in 1619 (pp. 7, 30); Adam Winthrop married Anne Browne in 1580 (pp. 5, 30); Anne Winthrop was born in 1582, Mary in 1584, and John in 1588 (pp. 5, 30, 40, 84, 417); Jane Gostlin was married in 1613 (pp. 6, 30); John French died in 1602 and Lawrence Hargrave in 1608 (pp. 47, 71, 77, 92); and the letter from Margaret Winthrop on p. 356 belongs to the autumn of 1627, not the spring of 1628. Also it is to be hoped that the next volume will contain an introduction stating exactly what are the sources from which the editors are printing: they certainly are very mixed and not, as the note to this volume would imply, all in the United States, for they

include Harleian MSS., Patent Rolls, Additional MSS. in the British Museum, and even printed books. E. R. A.

The five degrees of longitude west of the Delaware river that were assigned to William Penn by the charter of 1681 stretch across the strategic centre of North America. There was much room for difference of opinion as to what the Crown meant, if indeed it meant anything, in the wording of the Pennsylvania charter ; but, however interpreted, the region touched Atlantic waters at one end, and the Great Lakes at the other. It constituted a barrier that cut off New York and New England from Virginia and the interior. It covered the district through which ran the natural lines of access from the seaboard to the interior of the continent. Near its south-east corner, the Chesapeake and Delaware Bays were the chief entries to North America. Along the valleys of their tributaries ran the corridors of expansion, towards the western outlets into the Great Valley, the Ohio country, and the fur regions of the north-west. The excellent detailed map that Professor A. T. Volwiler has made for his *George Croghan and the Westward Movement, 1741-1782* (Cleveland : Clark, 1926), brings out much of the significance of this Pennsylvania region ; while his text brings out clearly many of the problems of peaceful penetration and economic imperialism as they stood through the middle of the eighteenth century. George Croghan came to America from Ireland in 1741. He flourished among the German and Scottish-Irish immigrant farmers whom he found in the Susquehanna Valley and beyond, and is a typical figure among the group of pioneers who came nameless to America. He found the frontier, when he arrived, at Harris's Ferry on the Susquehanna, and at Harper's Ferry on the Potomac. No man more than he assisted in opening it thence to the line of the Ohio river. He was never much of a revolutionist, though he cast his lot with the colonies in their struggle for independence. His relatives and friends were largely loyalist. His chief concerns remained tied up with the development of Indian trade and the selection of choice lands for the purpose of speculation. He did not live to watch the development of the national estate which Congress put together under the name of the Public Domain. He died possessed of personal effects valued at £50 13s. 6d. Dr. Volwiler's sources show the zeal with which the historical societies of the Eastern States have accumulated the manuscript remains of the eighteenth century, and with which the American historians of this generation have combed the records of the Canadian archives and the British Colonial Office. His use of them shows a gratifying drift away from what used to be the stock-in-trade of colonial historians : the description of provincial governments and the story of the struggle for independence. He shows instead the manner of man that developed in the colonies, and the basic problems of economic life. It was a rough life ; but the men were rough men. It was a situation that had not before arisen in western civilization. Here was a continent capable of development and of sustaining millions of inhabitants. It was not possessed by royalty or gentry, and none of the 'upper classes' had much hand in reclaiming it. It was, however, a field of action for ordinary men and women, drawn from the middle and lower walks of life. Here they were given a free chance to show what they were good for. F. L. P.

Dr. Maria Fassbinder's *Der Jesuitenstaat im Paraguay* (Halle : Niemeyer, 1926) is an excellent piece of work, thorough and scholarly, based partly on printed authorities, notably the work of P. Pablo Hernández, partly on research in the archives of Seville, Buenos Aires, and Rio de Janeiro. There are three main sections: (1) Vorgeschichte und Entstehung, (2) Innere Gestaltung, (3) Der Untergang. Each of these is systematically subdivided and treated with detailed accuracy. The whole matter is clearly illustrated by a map of the Jesuit 'province' of Paraguay, a map of the thirty Guaraní 'reductions', and a topographical plan of one of these 'reductions', showing the positions of the plaza, the church, the hospital, the 'college' and dwelling of the two Jesuit fathers, and the rectangular streets of Indian huts. Dr. Fassbinder examines the charges brought against the Jesuits, exposes the partial and interested nature of these exaggerated or absurd accusations, and vindicates the devoted, unselfish, and laborious character of the work carried on by these missionaries exiled in the wilderness, parts of which they turned into gardens. Dr. Fassbinder examines the supposed communistic character of the system and proves that private ownership was not discouraged, but was found impracticable owing to the indifference and incapacity of the Indians; she shows that the methods used were simply adapted to circumstances and provide no support for any social theories. The superficial, artificial, and imitative character of the social and religious culture imposed on the Indians and its evanescence unless maintained by constant watchfulness and severe discipline are fully indicated by Dr. Fassbinder, as also by the Jesuit writers; but perhaps she hardly brings out the less attractive parts of the story. Father Sepp in 1691 speaks with disgust of the stench of the Indian huts, each hut consisting of a single room crowded with two or three generations of human beings, besides dogs and cats. The book emphasizes the submission of the fathers to episcopal authority. This cannot have been very burdensome, for P. Hernández can only find ten visits by the bishop of Buenos Aires or his deputy to the missions situated in his diocese in the course of 157 years, and only nineteen visits by the bishop of Asunción or his deputy to the missions in that diocese. During half that time there was no resident bishop in Asunción. P. Cardiel writes that his village received an episcopal visit in 1763 after an interval of twenty-one years, and that some villages were never visited. On one occasion sarcastic or indignant marginal notes were found appended to the written observations of the visitor. But the fathers invited and welcomed these visits with obvious sincerity, and impressed their significance on the Indians. This book strengthens the view that the Jesuit fathers were loyal churchmen, loyal subjects, and devoted guardians of their Indian neophytes.

F. A. K.

Mr. A. J. Harrop's *England and New Zealand* (London : Methuen, 1926) is, as its title implies, more a study of British policy on New Zealand questions down to the year 1855 than a history of the colony. It is based on wide and patient research, is well documented, and in several matters contributes materially to historical knowledge. One of these is the suggested French colonization: Mr. Harrop gives a lucid and scholarly account of the whole episode, shows that the French claims were by no means baseless,

and that Guizot's refusal to press them lowered the popularity of the Orleans monarchy. On the vexed question of the Company Mr. Harrop is fair both to its supporters and to its critics. Probably he has not written the last word on the Company's aims and treatment, but he has forced his way through the tangled wilderness of correspondence, pamphlets, and misunderstanding, and has made it easier than it was before to reach a summary conclusion. He is not so well disposed to Governor George Grey as have been the eulogists of that strong-minded pro-consul, and he heavily discounts the propaganda and denunciations of the great intriguer-colonist, Wakefield. Sir James Stephen stands close criticism better than do either of these two: Mr. Harrop shows that he was both more reasonable and more democratic than his critics assumed, and sometimes even than they were themselves. A memorandum by Stephen, quoted on pp. 264-5, will be useful when a biographer sets about the overdue task of vindicating its author. The book indirectly helps to discredit the older view that the colonies were wilfully neglected in the forties and fifties of the last century, and proves that more statesmanship was shown in England in treating colonial questions during this assumed period of neglect than is often allowed. The chief adverse criticism that can be offered on Mr. Harrop's work is that it is often more prosaic than is necessary, and that a little more description of the important people, in England and New Zealand (both were rich in personality), would make it more vivid. E. M. W.

An excellent picture of several aspects of Canadian life is given in *Early Days in Upper Canada: Letters of John Langton* (Toronto: Macmillan, 1926). John Langton, son of an enterprising but retired Lancashire merchant, was educated under Pestalozzi's supervision and later at Cambridge. In 1833, after family losses, he turned pioneer, and took up land near Fenelon Falls, in what is now Ontario. He wrote good, semi-journal, letters to his father and brother in England; and these, edited by his son, Mr. W. A. Langton, show us a man, intelligent, active, and critical, prepared to turn his hand to many activities, enthusiastic for open-air life, working hard to build up an estate in Canada, disillusioned when a monetary shortage in the colony pricked a premature boom, but surmounting his difficulties, and making a home for his father, mother, aunt, and sister. Some interesting and too brief extracts from later letters to the brother describe the lumber trade in 1849. The last section of the book deals with political and academic matters. In 1855 John Langton became auditor of public accounts in Canada, and in 1856 vice-chancellor of the university of Toronto. He wrote fully, with humour and pungency, of the difficulties that he found in either position. His letters are a valuable source both for the economic and for the political history of Canada: they are well printed, well and sparingly edited, and generously provided with maps and illustrations. E. M. W.

In the Constitution of the United States provision was made for the exercise of exceptional powers in war time, but it was not distinctly laid down to whom these powers belonged. Lincoln regarded them as vested in himself by right of his office as commander-in-chief. But an abolitionist section in the Republican party led by Senators Chandler and Wade set

itself to capture them, claiming that they belonged to Congress. This section wished to wage a war of extermination against the South and regarded Lincoln's milder policy as treason to the Union. When Lincoln passed over the abolitionist champion, Frémont, for the post of general-in-chief in favour of the democrat McClellan, they retaliated by securing the appointment of the joint committee of the two houses on the conduct of the war. The democrat Stanton was the committee's candidate for the vacant secretaryship of war, and he played into their hands by setting up an army board, the so-called 'Second Aulic Council', composed of the chiefs of the department's bureaux with a professional soldier as technical adviser. Until the appointment of Grant as general-in-chief these two bodies exercised a thoroughly unwholesome influence over the control of military affairs. It is because General C. R. Ballard in his breezy essay on *The Military Genius of Abraham Lincoln* (London: Milford, 1926) ignores the existence of this rival coalition, that his attempt to prove that Lincoln was 'the Strategist of the North' must be held to fail. The author spoils his case by overstatement. He asserts that Lincoln performed 'all the functions of the modern higher command', and credits him with having originated a strategy of his own, which he thinks compares not unfavourably with that of Napoleon or Moltke. But he gives away what case he had by admitting that in the fourth year of the struggle he resigned to Grant the entire control of the war. This, says the author, was 'the least wise of all Lincoln's acts'. Grant's account of his first interview with Lincoln, a portion only of which the author quotes with the curious comment that 'it must have been disappointing to both of them', is sufficient to refute the contention that Lincoln was a born strategist. General Ballard's general method is to substitute assertions and theories for facts and arguments. But he is at considerable pains to justify Lincoln's treatment of McClellan, and in the process virtually accuses him of the crime of leaving the army under a commander in whom he himself had lost confidence. His demonstration of the exceptional difficulties with which Lincoln was confronted, owing to his lack of any previous experience of military men or affairs or of 'big business', is convincing: not so his attempt to prove that Lincoln succeeded in surmounting them.

W. B. W.

Richard Baxter's tract, *The Poor Husbandman's Advocate to Racking Landlords*, has been edited by Dr. F. J. Powicke (Manchester: University Press, 1926) from a hitherto unpublished manuscript in Dr. Williams's library. It is dated 18 October 1691, and, as Baxter died in December of that year, it was probably his last work. Dr. Powicke's edition of it is preceded by an historical introduction by the late Professor George Unwin, and by a preface by the editor. The tract is of great interest to students both of social conditions and of social thought in the latter part of the seventeenth century, and Dr. Powicke has performed a valuable service in publishing it. In one, at least, of his earlier works, *The Christian Directory*, Baxter had dwelt upon the hardships afflicting some of the landholding peasantry, had animadverted strongly upon the practices of the less scrupulous landlords, and had laid down the rules which, as he thought, both tenants and landowners should observe. In the present pamphlet he

returns to the same subject. His theme is the condition, not of the freeholders or substantial farmers, but of the poorer leaseholders. The cause of their suffering, he argues, is the growth of rack-renting.

The old custome was to let lands by Lease for Lives or for a long term of years, and to take a fine at first and a small yearly rent afterwards, and so, when a man, with his marriage portion, had taken a Lease, he lived comfortably afterwards and got somewhat for his children. But now in most countrys [counties] the custom is changed into yearly rack-rents : or, if a man takes a lease for many years, it is yearly to pay as much as the tenement is worth, and that is as much as any man will give for it, and in all counties the small Livings are the farre greatest number.

The result, he urges, is that the tenants are worse off than agricultural labourers, and much worse off than either gentlemen's servants or artisans, that they are deprived of opportunities of education and impeded in the performance of their religious duties, and that they are brought into a condition of servile dependence on their landlords which is degrading to them and injurious to the welfare of the country. The cause, he thinks, is the greed of landowners, and, in particular, their refusal to recognize that their property is to be regarded as a stewardship entrusted to them. The remedy is for landowners to reduce their rents by a third, and, with a view to making that possible, to reduce their own expenditure. The tract concludes with a series of answers to objections, in which some plain language is used towards landlords, followed by a chapter of advice to husbandmen. The agrarian conditions of the period between the civil war and the first of the enclosure acts of the eighteenth century are still an almost unexplored field. Any one who works at that subject will have to take account of Baxter's tract, which throws considerable light both upon the opinion and upon the practice of the period. Its value to the student is greatly increased by the preface and the introduction. In the latter, which Professor Unwin completed only a week or two before his death, the significance of the tract for social history, and its relation to other contemporary evidence on the same subject, such as that supplied by Davenant and King, are discussed with the insight and lucidity which readers of his other works have learned to expect from him.

R. H. T.

The ninth volume of M. Julien Hayem's *Mémoires et Documents pour servir à l'Histoire du Commerce et de l'Industrie en France* (Paris: Hachette, 1925) is given up almost entirely to Breton affairs in the eighteenth century and to the most capable editorship of M. Henri Sée. There is a very instructive study of the trade of St. Malo, based on the family papers of the Magon de la Balue. 'Les Magon' had a hand in all kinds of business : the colonial trade, the slave trade, and the South American smuggling trade. Their main business, however, was the export of peasant-woven Breton linens. They were sending these to a Portuguese Jewish firm (Dacosta) in London in the years 1720-30 ; but the chief, and ultimately the sole, export was to Spain and, via the Spanish monopoly ports, to Spanish America. The firm lived on to struggle with assignat depreciation and to act as banker for emigrant families. So it ended on the scaffold in the year II. No less than twelve members of the family were guillotined, including two of over eighty and one of seventeen. The volume also contains a memoir on the unsuccessful attempt of St. Malo to secure the

privileges of a free port ; two studies, of the kind to which M. Sée has already accustomed us, of social classes at St. Malo and Morlaix based on the capitation rolls ; a note on the absence of chambers of commerce at St. Malo and Nantes ; a study of the trade of Morlaix, also based on family papers, which reveals (pp. 188 sqq.) a rather dubious export of linen, wine, and tea to Falmouth and Fowey ; and various other notes and documents on Breton trade, Breton smuggling, and Breton fisheries. The volume concludes (pp. 271-344) with some notes drawn up by M. Hayem himself, when serving on the commission for the taxation of industrial and commercial profits in 1917-18, on *Quelques professions connues, inconnues et méconnues*. They will be a useful source for the student of industrial and commercial evolution ; for there are notes on music-halls, *marchands ambulants*, the sale of theatre tickets, the renting of empty wine-butts, the trade of the fairs, and many other economic curiosities and survivals.

J. H. C.

In *The English Poor in the Eighteenth Century* (London : Routledge, 1926) Miss Dorothy Marshall has made a really important addition to our knowledge of the working of the old poor law. She has special knowledge of the Cambridgeshire and Lancashire manuscript records, among others, and has worked through all the printed parochial and quarter sessions material and the pamphlet literature of the poor law. The book naturally looks back to the Restoration period, and some of its most valuable sections are those which deal with 'settlement' law and its operation. Miss Marshall's general conclusion about the relation of the law to the mobility of labour is that 'few men who were capable of earning their living were in practice hampered from moving' (p. 247) : the heavy hand of the overseer fell mainly on more or less destitute families and on wretched women with child. That the system of allowances in aid of wages was older than the decision of the Berkshire justices in 1795 was already known ; but Miss Marshall has added greatly to our detailed knowledge and has furnished material enough for satisfactory generalization. The system was at work, and was being criticized, 'before the seventeenth century had drawn to its close' (p. 105). 'Parents over burthen'd with children' were the principal recipients, as they continued to be in the Speenhamland age. Miss Marshall notes (p. 104) that 'it is difficult to know why it [this system] arose, for it was not contained in the provisions of any statute'. The difficulty, it may be suggested, lies rather in explaining why some one did not stop it : even that explanation might not be very difficult. Other aspects of the history on which Miss Marshall's work has thrown most light are : the rating 'of faculty' ; the working of poor-law certificates and passes ; the farming of poor law work of various kinds ; and the extent to which parish apprentices were forced upon parishioners as part of their public burdens.

J. H. C.

The Manchester University Press issues (1926) Mr. Arthur Redford's essay on *Labour Migration in England, 1800-1850*, the first exact account of the peopling of the new industrial England of the nineteenth century. The book might almost be described as a statistical demonstration for the first half of that century of what Alfred Marshall (whom Mr. Redford

quotes) stated as a general proposition : ' movements of population within a country are generally by small stages . . . districts in which employment is offered on favourable terms draw labour from neighbouring districts, and they in turn replenish their supplies of labour from districts on the other side of them '. There was, in short, no ' migration ' from south-eastern to north-western England as some writers have loosely suggested without, one imagines, believing it so precisely as Mr. Redford seems to think when he speaks (p. 54) of ' a migration from south to north ' as ' the established view '. The only long-distance migrations were those of the Irish and the Scots into England, both of which Mr. Redford discusses more fully and more exactly than they have been discussed before. His treatment of Irish immigration leaves nothing to be desired and throws light into many corners of local and social history. Excellent sketch-maps drive home the main argument. The industrial areas are seen surrounded by belts of territory from which migration was active, beyond which lie belts which supply fewer and fewer migrants direct to these areas as the distance from them increases. The distribution of the Irish and the Scots is also illustrated graphically. The whole essay is a most valuable companion for the nineteenth-century economic historian.

J. H. C.

Professor W. T. Jackman of the University of Toronto is very favourably known to economic historians in this country for his *Development of Transportation in Modern England* ; he has now written *Economics of Transportation* (Chicago and New York : Shaw, 1926), in which he deals with the principles of transport as applied to conditions in Canada. Apart from the first chapter there is little historical matter in this book. It is interesting to find that the colonists adopted the methods of statute labour on the early roads and also the turnpike system, both of which they had to abandon as unsatisfactory. The first railway was built in 1836, but by the middle of the nineteenth century there were only sixty-six miles of railway in the whole country. The Durham Report had recognized the importance of railway construction as a means of economic integration, and later the terms both of the British North American Act of 1867 and of the incorporation of British Columbia in the Confederation included obligations to build railways. Circumstances made it impossible to rely on private enterprise. Perhaps the most interesting part of Professor Jackman's discussion of the historical side of his question is that in which he analyses the methods by which railway construction was promoted. In some cases the railways were built by the Dominion government and in others by the provinces ; but even when they were undertaken by private companies the public made large contributions in the form of giving free land to the extent of over fifty-eight million acres, of paying cash subsidies on mileage, and of guaranteeing bonds.

J. F. R.

Professor James T. Shotwell, the editor of the series of *Records of Civilization : Sources and Studies*, claims that the Industrial Revolution in England, which ' is admittedly one of those real turning points in human affairs ', demanded an instrument for research such as the labours of Dr. Judith Blow Williams have now provided in *A Guide to the Printed Materials for English Social and Economic History, 1750-1850* (New York :

Columbia University Press, 1926). She has spent the best part of ten years in selecting the 25,000 titles which are here arranged under sixteen main heads. The *Guide* is said to be intended primarily for Americans, but it should certainly be in the hands of all who are pursuing, or directing the pursuit of, the study of English social and economic history in the century which it covers. Within the limits which the author sets herself it is remarkably comprehensive. She has been obliged to exclude articles in periodicals, and she has confined her attention to England in the strict sense. Entries relating to Wales, Scotland, and Ireland are comparatively few. Her plan has been to divide the book into two parts, the one containing works of general reference, and the other works regarding special subjects, such as economic theory, economic conditions, and industry. In the second part titles are usually given in chronological order, which makes it possible to follow the lines of development in the contemporary discussion of questions, as, for instance, money and banking, poor law administration, and trade unionism, with ease. In the short prefaces at the beginning of the special sections she summarizes very competently the more important aspects of the subjects. The author has throughout appended to her entries some indication of the nature and value of the works. These indications are necessarily brief and are descriptive rather than critical; still they add considerably to the value of the *Guide*. There is a detailed index of authors and a much briefer guide to subjects. These indexes do not always supply means of discovering what is embodied in the two volumes. It is easy, for instance, to lose trace of a reference to a particular *place* referred to in a title or in one of the author's notes and to have to spend much time in trying to find it. In a note to 'Hodder, Edwin, Sir George Burns, Bart.' the author says 'Refers to New Lanark Spinning Co. in 1812' (vol. i, p. 141), but the index provides no means of bringing this allusion to New Lanark in line with the other references to Owen's work there. The author's plan also sometimes requires the entry of the same book in two or more sections. In many cases this has been done; but some more elaborate method of cross-reference seems desirable. Under biographies in vol. i, p. 146 Thomas Cooper's autobiography is entered with a note that he was a chartist, but it does not appear in the section devoted to chartism in the second volume. It must be admitted, however, that the task of making the *Guide* satisfy every conceivable demand would be beyond human ingenuity. Dr. Williams deserves the gratitude of all who are, or may in the future be, studying the period.

J. F. R.

In 1899 Sir William Foster published for the Hakluyt Society in two volumes the journal which Sir Thomas Roe kept during his embassy to Jahangir in the years 1615-19, till then only known to students by the extracts which Purchas had printed. By way of additions and illustrations the editor inserted in their chronological position in the journal a number of letters which Roe had written to the Company, its servants, and his friends in England. The work was at once recognized as admirably executed and as conveying a lively and well-informed description of the Moghul court at that time. It speedily went out of print and became very difficult to procure. A warm welcome is therefore assured to the second

edition, *The Embassy of Sir T. Roe to India* (London: Milford, 1926). The introduction and notes have been revised, though we do not think that the editor found many errors to correct, and a number of new letters have been added, partly instead of a small number of formal and rather uninteresting documents, partly instead of the portion of the journal narrating the voyage to India. These new letters are as vivid and picturesque as was to be expected from Roe's admirable pen.

H. D.

Ellenborough has been so unfairly used by Kaye in his *History of the Afghan War*, and later writers have so generally followed Kaye, with however the notable exception of the late Mr. Moriarty in the *Cambridge History of Foreign Policy*, that some adjustment of the balance was really needed. We therefore welcome the slender volume published by Ellenborough's nephew, Sir Algernon Law, *India under Lord Ellenborough* (London: Murray, 1926), to supplement the documents published more than fifty years ago by Lord Colchester. These new letters are interesting in a variety of ways, but perhaps especially as illustrating Ellenborough's character and conception of the position of the governor-general. We see him high-minded, resolute, and self-reliant, but also hasty, autocratic, and singularly regardless of constituted authority. He tried to ignore the Company, declaring that he only knew the directors as the channels through which he received the orders of the board of control; and yet he thought it useless to consult the latter body. 'I will govern this country as if I were its sovereign,' he wrote; and the result necessarily was that his Indian career was brief, for such an attitude was impossible even before the laying of the Red Sea cable. These letters show very clearly how his faults of temper and judgement counteracted his undeniable talents and energy.

H. D.

An account of the proceedings of the eighth session of the Indian Historical Records Commission has been published by the government of India (Central Publication Branch, Calcutta: 1926). The meeting was held at Lahore in November 1925, and the members were welcomed in an opening speech by Sir Malcolm Hailey, the governor of the Punjab, who made a suggestion that the provincial record department should not confine its energies to official records, but should endeavour in addition to procure photographic copies of historical documents in private possession. In the course of his reply, Sir Evan Cotton, the chairman of the commission, congratulated the Punjab on having a record office housed in an historic building and on possessing an admirable record keeper in the person of Major Garrett. The report proceeds to give the minutes of the deliberations of the commission, the texts of the eighteen papers presented (several of which were of considerable interest and value), and a catalogue of the collection of manuscripts, paintings, &c., which, as usual, had been specially lent for the occasion. Four illustrations are included in the volume. The ninth session took place at Lucknow in December, 1926, under the presidency of Professor Jadunath Sarkar, C.I.E., Vice-Chancellor of Calcutta University. The members listened to a number of speeches and papers, discussed and passed various resolutions, were shown the sights of the city, and were duly fêted and photographed. All this is carefully

recorded in the official report (Calcutta : Central Publication Branch, 1927), which also provides a catalogue of the exhibition of manuscripts, pictures, &c., organized in connexion with the meeting, and prints, with illustrations, the texts of the various papers read. Most of those papers, and especially the short account contributed by the president of Maratha family records of the seventeenth century, merit a wider circulation than they are likely to obtain, in view of the high price (11s. 6d.) put upon the report ; and it may be suggested that future issues should appear without illustrations (or at least with fewer) and in paper covers, in order to reduce the cost of production.

W. F.

A new quarterly, with the title of *Scholastik* (Freiburg-im-Breisgau : Herder, 1926), has appeared under the general editorship of the professors at the Ignatius College in Valkenburg. Besides some minor studies and a chronicle of recent books, the first number contains three considerable articles, all of them likely to find interested readers. Father Joseph Ternus combines a criticism of Hans Meyer's *History of Ancient Philosophy* with some general reflexions on antiquity as an original source of scholasticism ; while Father Christian Pesch stoutly and successfully contests the opinion that the distinction between *Wesenheit* and *Dasein* (*essentia* and *existentia*) is the necessary basis of all Christian philosophy. To many English readers, however, the most interesting of the three discourses is likely to be Father Franz Pelster's account of the oldest commentary on the *Sentences* belonging to the Franciscan school of Oxford. This he has found in a manuscript (Cod. 62) at Balliol College, among the collection bequeathed by William Gray, who was bishop of Ely from 1454 to 1478. In the manuscript itself the authorship is assigned by a late hand to James of Viterbo, but this statement Father Pelster dismisses as an error, arguing with much force and skill that the author is Ricardus Rufus or Cornubiensis, who (as we learn from Roger Bacon) lectured on the *Sentences* at Oxford, while still a bachelor, in 1250. In Father Pelster's judgement, the Balliol manuscript is a careful copy, made at Oxford, of the autograph. The author, though he may have been influenced by the earlier commentary by the Dominican Fishacre, was certainly a Franciscan, and very probably he was none other than the Ricardus to whom direct reference is made in marginal notes. The point is a little puzzling, because in one place we find a comment in the form *cui consentit frater Ricardus*, while in another we get *quae mihi videatur vera*, with the signature of Ricardus himself. Evidently, then, Ricardus was not the scribe, but he may well have been the author, who made these comments, now in the first person, now in the third, as he read over the copy of his own lectures before they were published. If this be so, there need be little hesitation in identifying Ricardus with the Cornubiensis mentioned by Bacon.

W. H. V. R.

It is a remarkable coincidence that of late no less than four books on the sources and literature of English law have appeared. Besides Professor J. H. Beale's elaborate *Bibliography of Early English Law* and Mr. F. C. Hicks's *Materials and Methods of Legal Research*, Professor Holdsworth and Dr. P. H. Winfield of St. John's College, Cambridge, have published courses

of lectures on the subject. Dr. Winfield's lectures on *The Chief Sources of English Legal History* (Cambridge: Harvard University Press, 1925), which were delivered at Harvard in 1923, have been greatly expanded; especially in the lists of materials, printed and unprinted, though the author modestly disclaims having given us a bibliography and prefers to describe his book as a guide to the chief sources. After dealing with equipment for research and existing bibliographical guides, he arranges his matter under sources of Anglo-Saxon law, influence of Roman law, statutes, the public records in general, case law, abridgements, and text-books and books of practice, interspersing under section or subsection a large selection of authorities with critical comments. Both the lectures and the short bibliographies are well adapted to the needs of those entering upon legal research and older hands will find the work a useful book of reference. A few slips may be noted. On p. 66, l. 28, a superfluous 'not' seems to have intruded; there seems some confusion between original acts (of parliament) and the enrolments on p. 89; Professor Pollard's *Evolution of Parliament* should have been mentioned on p. 101; and the Exon Domesday does not describe Wiltshire and Dorset in greater detail than the Exchequer Domesday (p. 111), since for these it copies the latter.

J. T.

In the *Letters of Sir Thomas Bodley to Thomas James, first Keeper of the Bodleian Library* (Oxford: Clarendon Press, 1926), the editor, Mr. G. W. Wheeler, has given his readers a new and much improved edition of the letters first printed by Hearne in 1703. Bodley's own spelling has been preserved, and this is of interest, since unlike some of his contemporaries he was a consistent speller with regular habits, using for instance initial v and medial u without any regard to their pronunciation. He also wrote a good hand, as the frontispiece of the book shows, an italic hand with few traces of Gothic in it. His own terms for handwriting, of which he was critical, are 'sette', 'cursorie', 'Italian', and 'Romane'. Crossley's writing is 'too much sette' and should be more 'cursorie'; some of his letters are longer than their fellows, a great fault in a 'sette' hand, 'which I speak of his Romane'. Bodley also approved of the 'secret letter', a phrase which Mr. Wheeler correctly explains as meaning the secretary hand, though he can hardly expect to persuade his readers that this hand was only used for legal documents. But John Hales 'of Eton' was the scribe most highly valued, and as such he was employed to enter donations in the register wherein the names of the givers of books or money to the new library were preserved. As the reader turns the pages of this book the whole story of the rise of the library passes before him. Bodley was generous himself to his own creation, sparing neither money nor thought nor books. Money and books he expected from all his friends; thought he required from Thomas James, although through, if not from, him books also came to the library. The net was cast far and wide, and perhaps the oddest acquisition were the books from the library of Mascarenhas, grand inquisitor of Portugal, presented by the earl of Essex, who had acquired them at the sack of Faro in 1596. Sir Henry Wotton gave a 'litle Alcoran with pointes'; and there are but few of the well-known names of the time who were not benefactors, though some are mentioned who were 'promisers but not performers'. The letters deal with the collection of gifts, the

classification and arrangement of the books. The books were classified under the faculties with which they dealt, theology, medicine, law, arts, and exactly half the space was allotted to theology. The next classification was by size. To modern eyes the library would have looked odd ; the books stood on the shelves with their backs inside, and all the larger books were chained. There are many mentions of questions of classification and binding and cataloguing in the letters, and many allusions to the difficulties experienced by James in carrying out Bodley's instructions. Bodley meant to have his own way in all these matters, but James sometimes succeeded in resisting him, and was sometimes in the right. The book is finely edited and the notes are good. A reader, less erudite than the editor, would have liked more identifications of the authors mentioned. It needs a little effort to see that by ' Blessensis ' Bodley means Peter of Blois, and that ' D'Eureux ' is Cardinal Duperron, bishop of Évreux. Such notes would have helped the indexer, who sometimes halts between two opinions and indexes ' Portes ' as ' Portes, P. des ', apparently meaning Philippe Desportes the poet, and also as ' Porta ', meaning ' Giovanni Battista della Porta '. A little revision would have cut out the first reference and indeed benefited the index throughout.

C. G. C.

The introduction to *Minutes and Accounts of the Corporation of Stratford-upon-Avon*, transcribed by the late Richard Savage and edited by E. I. Fripp, vol. iii, 1577-86 (London : Milford for the Dugdale Society, 1926), contains an interesting discussion of Shakespeare's school studies. The plays show that he was familiar with the Geneva version of the Bible and also with Ovid's *Metamorphoses*, from which more than three-fourths of his mythological allusions are derived. After leaving school he doubtless entered an attorney's office ; legal terms slip from him unawares, sometimes to the injury of his work, as when Romeo, assuredly no scrivener, bids his lips seal ' a dateless bargain to engrossing Death '. Other sections of the introduction deal with recusants in Warwickshire and with the ' uneasy humour ' manifested in Stratford and elsewhere as the result of the French marriage negotiations in 1579. The text consists of minutes of the corporation meetings, chamberlain's accounts, and a few wills of Shakespearian interest. The accounts include payments to several companies of players, those of the earls of Derby, Essex, Leicester, Oxford, and Worcester, the countess of Essex, Lord Berkeley, Lord Chandos, and Lord Strange. Davy Jones and his company received 13s. 4d. for the Whitsuntide pastime in 1583. On 20 May 1584 a church ale was granted to be kept by the churchwardens. Collections for the poor and gifts of coal and money are often mentioned. ' Inmakes ' or inmates are mentioned on p. 8 and ' pargitting ' on p. 97. On 7 May 1583 William Hill of Rother Street and all the inhabitants of the borough were bidden to make adequate chimneys before the ensuing St. James's day (25 July). Curious entries on pp. 9, 10 record that George Cawdore, the four-year-old son of a Stratford alderman, was brought into the council chamber, where it was proved that his left ear had been disfigured by a horse. Doubtless this was done for fear lest when the boy grew up he might be taken for a malefactor. Other entries of interest are the gift of an ox to the earl of Warwick, lord of the manor, and the reference to a Flemish weaver (p. 71) and to Southwich cloth (p. 45). The volume con-

tains two illustrations: the hornbook found at Ann Hathaway's cottage in March 1926 with initials on the back that are variously read as W. S. or W. B., and a drawing made about 1820 of the Market Cross House at Stratford.

C. A. J. S.

In *The Honourable Artillery Company, 1537-1926* (London: Lane, 1926), Major G. Goold Walker brings up to date the well-known history by Captain G. A. Raikes, but he has been able to incorporate fresh material in his own book which, designed on a smaller scale, provides a valuable and attractive narrative of a singular institution. The record of the Honourable Artillery Company is unique. Its most recent historian contents himself with the first date on the title-page, the year in which Henry VIII granted a charter of incorporation to the Gild of St. George 'for the better encrease of the defence of this our Realme and Maynetenance of the Science & Feate of Shoting in Longbowes Crosbowes and Handgonnes'. But from that date this military unit can establish a record of continuous, if chequered, life, an existence which outspans by more than a century that of any regiment of the regular army. The title of 'Artillery Company' appears in the regimental records in the middle years of the seventeenth century; in 1686 is found the designation of 'ye Honnerable Artillery Company'. It was one hundred years later when to its other arms the company added that of artillery in the modern usage of that word. It is true that, until recent times, the part played by the company in military annals serves to confirm that necessity, which history seems to prove, of regular as opposed to, or at least as additional to, citizen troops. Cromwell's New Model, the nucleus of the modern regular army, was due to the feebleness of the city's trained bands, and saved the parliamentary party from defeat in the civil war. When, in the earlier stages, a force was gathered for the relief of Gloucester, it is related how citizens 'who seemed very forward and willing at the first to march, yet upon some pretence and fair excuses returned home again, hiring others to go in their room'. In the eighteenth century, the refinement of drilling vicariously was added to the art of fighting *in absentia*, and it is not surprising to learn that in the crisis of the '45 the activity of the company was confined to the removal of its arms to the Tower for safe custody. In fact, until the South African War, the company was nominally a military unit; it was actually a police force, useful in the Gordon Riots and in the chartist scare in the capital. Nevertheless its stubborn accretion of privileges, its policy of selection, and its connexion with the sovereign preserved its integrity and pride as a regiment for later and more splendid days. As the earl of Denbigh remarks in his 'foreword', it is since its reorganization in 1889, when it was brought under the War Office, and since it became an integral portion of the territorial force, that the company has made progress. The fact that 14,000 men passed through its ranks between 1914 and 1918, and the testimony given by the roll of honour printed in Major Goold Walker's history, reveal the fulfilment of such 'steady and continuous progress'. The New World, lastly, has never escaped from the old. In 1638 the Military—now the Ancient and Honourable Artillery—Company of Massachusetts was founded by a puritan planter as an offshoot of the Artillery Company in London.

P. C. V.

The late Sir Peter Scott Lang rendered a real service to Scottish history when he edited and published *Duncan Dewar . . . his Accounts, 1819-27* (Glasgow: Jackson, Wylie, 1926). Duncan Dewar was the son of a hand-loom weaver of Acharn, near Kenmore in Perthshire, who attended the university of St. Andrews for four sessions in Arts, and three sessions and a 'partial session' in Divinity, the normal course for a young man who aspired to enter the kirk. The ordinary session lasted from about the beginning of November until the beginning of May, with three days' holiday, and the 'partial session' was a purely formal attendance for a long week-end, during which a discourse was given. The student might fill in the intervals of his attendance at the university by working as a teacher or tutor, and Dewar did in fact teach at Tobermory during the summer after his third session in Arts, and act as tutor in Arran during most of his 'partial session'. The accounts now published cover the whole of Dewar's academic career, including his periods at Tobermory and in Arran, and the figures revealed are astounding. The total cost of his education for the first seven years was about £101, and in the eighth year he saved 12s. 10d. Over the whole period the total sum 'brought from home' was about £88, and against this may be set the sums 'brought home', amounting in all to over £23. The net expenditure of the household was therefore a little under £65, and the difference between this sum and the total cost of the university career was made up by small 'burseries', and the still smaller gains of teaching. To any observer the accounts are a record of Spartan economy, but viewed in the light of the editor's comments they become a vivid picture of academic life. Sir Peter Scott Lang possessed, besides industry, imagination, and sympathy, a rare knowledge of the men and the customs of a bygone age, and in his hands the figures became almost an essay upon the psychology of the early Victorians, and of the generation which preceded them. Judged by modern standards a student's life must have been hard and dull a hundred years ago, even on the rare occasions when one could temper the purchase of books like Marshall's *Sanctification* (1s. 6d.) by investing 1s. in 'peppermint drops, &c.' Little was spent on raiment, less on luxuries, and even less on entertainments. The one reference to golf is the expenditure of 3d. on a ball. The whole record is that of a young man soberly and steadily preparing himself for his chosen calling. Life may have been happy enough, though it was not hilarious. Lord Sands in his introduction pays a well-deserved tribute to the editor.

J. D. M.

We have received the fourth and concluding volume of the first series of *Alumni Cantabrigienses* (Cambridge: University Press, 1922-7), compiled by the late President of Gonville and Caius College, and by his son Mr. J. A. Venn. Dr. Venn receives a fitting epitaph in the preface to the third volume: *Si monumentum requiris perlege*. It is unlikely that the great work which he planned, and did so much to mould in its present shape, will ever be superseded. The press of his own university has fittingly recognized the importance of the undertaking by assuming financial responsibility for the completion of the second series, covering the years 1752-1900, which has been some time in abeyance owing to want of funds. There are in the first series solid proofs of the interest and admiration which have been excited by the enterprise. The prefaces

to the last three volumes contain acknowledgements to a large number of scholars who have come forward since the publication of the first volume to volunteer their assistance. Some of these are antiquarians who have specialized on family history in particular districts. Others are specialists in institutions and ordinations. One result of their contributions is that the articles in the last three volumes are on the average slightly longer than those in the first; there are, for instance, in the fourth volume about thirty-six lives to the page, while in the first volume the average is about forty-three. Another result is that the fourth volume is rounded off with a substantial appendix of addenda and corrigenda. The corrigenda are comparatively few, a fact which confirms the high reputation for accuracy that the work already enjoys. The most important correction that we have noticed relates to the career of John Allen, who was archbishop of Dublin 1528-34. Thanks to Dr. T. A. Walker¹ of Peterhouse it seems to be now established that the future archbishop entered Gonville Hall as a pensioner in 1491, took his B.A. in 1494-5, and became a probationer of Peterhouse in 1495, being admitted full fellow in 1496. Two days before admission he obtained from the bishop of Ely his title to receive orders, the title being evidently his fellowship at Peterhouse. He appears to have held his fellowship until 1503-4, which is the last year in which he received a *pensio*. It was in 1503 that he was collated to the vicarage of Chislet, and so set his foot on the ladder of ecclesiastical promotion. Under the Peterhouse statutes he would vacate his fellowship twelve months after institution.

H. W. C. D.

English Men and Manners in the Eighteenth Century, by A. S. Turberville (Oxford: Clarendon Press, 1926), is a sketch of English history between 1700 and 1783 as reflected in the lives of prominent men. After an outline of political events and social conditions it gives short accounts of the lives of the principal politicians, divines, artists, soldiers, sailors, and so forth of the period in a series of chapters dealing with the various professions. Its purpose is to awaken sufficient interest to induce readers to make the acquaintance of the books suggested for further reading at the end of each chapter. For this it appears quite well contrived, especially the illustrations, which are numerous and well chosen.

R. R. S.

The bishop of Worcester has written a delightful book in *Hartlebury Castle* (London: Society for Promoting Christian Knowledge, 1926), in which he traces the history of his famous house, its architectural development, and the lives of those of his predecessors who made it their principal home. It was inevitable that the later chapters should be more vivid than the earlier, and the bishop has ventured to lift the veil of the Regency period; but the good that he chronicles far outweighs the scandal. The eighteenth century had its ecclesiastical merits, and its special achievement, the foundation of county hospitals, was at Worcester the work of a bishop. Nor is there any reason to suppose that the century was worse in its scandals than its predecessor. Nepotism on a liberal scale is shown as prevalent in the seventeenth, and the tradition was continuous from the mediæval period. How little conscious men were of change appears in

¹ See *Peterhouse Historical Register*, by T. A. Walker, part i (1927), pp. 90-1.

The late Sir Peter Scott Lang rendered a real service to Scottish history when he edited and published *Duncan Dewar . . . his Accounts, 1819-27* (Glasgow : Jackson, Wylie, 1926). Duncan Dewar was the son of a hand-loom weaver of Acharn, near Kenmore in Perthshire, who attended the university of St. Andrews for four sessions in Arts, and three sessions and a 'partial session' in Divinity, the normal course for a young man who aspired to enter the kirk. The ordinary session lasted from about the beginning of November until the beginning of May, with three days' holiday, and the 'partial session' was a purely formal attendance for a long week-end, during which a discourse was given. The student might fill in the intervals of his attendance at the university by working as a teacher or tutor, and Dewar did in fact teach at Tobermory during the summer after his third session in Arts, and act as tutor in Arran during most of his 'partial session'. The accounts now published cover the whole of Dewar's academic career, including his periods at Tobermory and in Arran, and the figures revealed are astounding. The total cost of his education for the first seven years was about £101, and in the eighth year he saved 12s. 10d. Over the whole period the total sum 'brought from home' was about £88, and against this may be set the sums 'brought home', amounting in all to over £23. The net expenditure of the household was therefore a little under £65, and the difference between this sum and the total cost of the university career was made up by small 'bursaries', and the still smaller gains of teaching. To any observer the accounts are a record of Spartan economy, but viewed in the light of the editor's comments they become a vivid picture of academic life. Sir Peter Scott Lang possessed, besides industry, imagination, and sympathy, a rare knowledge of the men and the customs of a bygone age, and in his hands the figures became almost an essay upon the psychology of the early Victorians, and of the generation which preceded them. Judged by modern standards a student's life must have been hard and dull a hundred years ago, even on the rare occasions when one could temper the purchase of books like Marshall's *Sanctification* (1s. 6d.) by investing 1s. in 'peppermint drops, &c.' Little was spent on raiment, less on luxuries, and even less on entertainments. The one reference to golf is the expenditure of 3d. on a ball. The whole record is that of a young man soberly and steadily preparing himself for his chosen calling. Life may have been happy enough, though it was not hilarious. Lord Sands in his introduction pays a well-deserved tribute to the editor.

J. D. M.

We have received the fourth and concluding volume of the first series of *Alumni Cantabrigienses* (Cambridge : University Press, 1922-7), compiled by the late President of Gonville and Caius College, and by his son Mr. J. A. Venn. Dr. Venn receives a fitting epitaph in the preface to the third volume : *Si monumentum requiris perlege*. It is a fitting tribute to the great work which he planned, and did so well. The shape, will ever be superseded. The fittingly recognized the important financial responsibility for the years 1752-1900, which want of funds. The and admiration

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the retention by Latimer of the services of the vicar-general whom his Italian predecessor, Ghinucci, had employed. The same man held the same office till the days of Bishop Heath, having served four prelates of diverse tendencies. Among other points of interest is the small number ordained under Elizabeth. The same has lately been noted by Canon Foster at Lincoln; but we are not told whether at Worcester, as in the other diocese, the standard of education was rising. The extraordinary prevalence of the exchange of benefices in the later middle ages, if not earlier, is well exemplified; there must have been organized agencies in London for the systematic carrying out of the jobbery. We may wonder whether Edward I in 1303 handed over his lawful profits on a vacancy in the see to the incoming bishop, as Dr. Pearce loyally assumes. But the book is full of good things, and sets an example that might be profitably followed in dioceses which have no see-house of such venerable antiquity. There is a puzzling slip on p. 275 of 'London' for 'Longdon'.

E. W. W.

The first volume of the *Survey of International Affairs, 1925* (London: Milford, 1927), issued under the auspices of the Royal Institute of International Affairs, is devoted to the affairs of the Islamic world since the peace settlement. Mr. Arnold J. Toynbee has written a wonderfully complete survey, enriched with copious prints of treaties and other public documents and with maps. Mr. Leonard Stein contributes a chapter on Palestine. The book is of great political value; its treatment of Syrian, Turkish, and Arabian questions is impartial and enlightening. It is also as perfect a narrative of history as an unofficial contemporary could write.

G. B. H.

The *National Ancient Monuments Year Book* in its first issue (London: Wykeham Press, 1927), edited by Mr. J. Swarbrick, contains both accounts of the societies and public bodies concerned with the preservation and study of ancient monuments, and lists of the monuments themselves in Great Britain and Ireland. There are also valuable and excellently illustrated articles briefly dealing with the decay to which such monuments are exposed, and with the means of combating such evils as dry rot, the death-watch beetle, &c. The book seems likely to become indispensable to the curator of ancient buildings and to the archaeologist.

A.

CORRIGENDUM

Vol. xlii, p. 650. Colonel C. T. Phipps corrects the statement in the notice of the late Colonel R. W. Phipps' *Armies of the First French Republic*, that General Joseph de Hédouville of the Armée du Nord was employed again. It was his namesake, Gabriel de Hédouville, who commanded in La Vendée in 1799. The editor and reviewer regret repeating the mistaken identification, which was made by the contemporary *Victoires, Conquêtes, . . . des Français, 1792-1815*, and has appeared in several other authorities.

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THE ENGLISH HISTORICAL REVIEW

NO. CLXX.—APRIL 1928 *

Richard fitz Neal and the Dialogus de Scaccario

1. *Richard fitz Neal*

RICHARD, son of Bishop Nigel of Ely, is usually known to us as Richard fitz Neal or fitz Nigel. Before his elevation to the see of London he seems to have called himself Richard the king's treasurer,¹ although to his contemporaries he was known also as Richard of Ely,² just as his kinsman and successor in office was known, and called himself, by the name of William of Ely.³ The name fitz Neal is a later invention,⁴ but it is so well established that it would be pedantry to insist upon calling Richard by his proper name. We do, of course, meet in twelfth-century records other Richards who really were called fitz Neal, *filius Nigelli*,⁵ but there is little danger of confusion.

¹ e.g. St. Paul's MS. A. 34, no. 806: 'Ricardus domini Regis thesaurarius, Canonicus ecclesie sancti Pauli, hominibus suis de Chesewic salutem', &c. In the earliest deeds he subscribes (c. 1160) he is similarly described: below, p. 164, n. 3. In Ely documents, after his appointment as archdeacon, he is, of course, called and subscribes himself 'Ricardus Elyensis Archidiaconus' (Ely Diocesan Registry, Register M, pp. 156 ff.).

² St. Paul's MS. A. 33, no. 788: 'In tota terra quam pater meus Gocelinus resignauit [sic] domino suo Ricardo de Ely quondam tesserario domini Regis et canonico sancti Pauli.' Similarly Ralf de Diceto speaks of 'Ricardus Heliensis' (*Opera*, ii. 69).

³ That he was kinsman appears from a deed of 1198 transcribed in MS. Cotton, Faustina A. iii, fo. 248: this is cited by Mrs. Stenton in *Cambridge Medieval History*, v. 573. William was closely associated with Richard: he subscribed the deed quoted in n. 1 above, which cannot be later than 1189, and, as the deeds cited below show, in the last days of Richard's life he must have been frequently with him. See also *Historical MSS. Commission, Report on Various Collections*, vii. 28, 29. Is it possible that William was not only kinsman but son to Richard?

⁴ The usage dates certainly from the sixteenth century. Stow calls him Fitz Nele (*Survey* (ed. Kingsford), ii. 130); Godwin calls him Fitz-neale (*Catalogue of the Bishops of England* (1601), p. 143). Wharton, who refers to his 'cognomen' Fitz-Neale, calls him by his true name of Ricardus de Ely or Ricardus Eliensis (*Historia de Episcopis et Decanis Londoniensibus* (1695), p. 70); but later writers have generally preferred the nickname.

⁵ The documents in the *Gloucester Cartulary* (Rolls Series), ii. 89, cited by Liebermann, *Einleitung in den Dialogus de Scaccario*, p. 29, are too early in date to cause confusion. More likely to deceive the unwary is the *Ricardus filius Nigelli* to be found

When Richard became the king's treasurer is a matter of uncertainty. It is generally accepted that his father purchased the office in 1158 and that by 1160 Richard had obtained possession. It is also generally believed that he remained in office until his death.¹ Recently both assumptions have been challenged, but without any attempt at settling the true dates.²

Having become Bishop of London in September 1189, Richard continued to hold the treasurership, as the pipe rolls show, until midsummer 1198:³ it is clear, however, that he did not remain in office until his death, which occurred on 10 September 1198. Several of his deeds survive to which William of Ely, the king's treasurer, is a witness,⁴ and one deed in which William of Ely, the king's treasurer, is the grantee.⁵ These deeds are not easy to date precisely from internal evidence. But we can obtain help from the pipe rolls. Both Richard fitz Neal and William of Ely received, as we may learn from Madox,⁶ £20 annually from the manors of Essendon and Bayford in Hertfordshire. This payment was first made to Richard in 1177, the grant taking effect from April (or probably Easter) of that year.⁷ It continues to be recorded annually in the pipe roll until 10 Richard I, when payment was made for three parts of the year only.⁸ William of Ely did not automatically succeed to this emolument, but received a grant from King John with effect from midsummer 1199: he, however, obtained back-payments certainly to Michaelmas 1198 and apparently to midsummer 1198.⁹ The inference is that Richard

in *Pipe Roll*, 4 Hen. II, pp. 140, 183; 5 Hen. II, p. 19; 7 Hen. II, p. 12, &c. Cf. *Red Book of the Exchequer*, p. 318; this family is entirely unconnected with Bishop Nigel.

¹ Liebermann, *Einleitung*, pp. 13, 33; *Dialogus de Scaccario*, p. 10 (my references are to the Oxford edition by Hughes, Crump, and Johnson); R. L. Poole, *The Exchequer in the Twelfth Century*, pp. 7, 8.

² *Cambridge Medieval History*, v. 573.

³ See *infra*, n. 8.

⁴ *Hist. MSS. Commission, IX Report*, Appendix I, pp. 33 a (no. 440), 40 b (no. 1432); *ibid.*, *Report on Various Collections*, vii. 28 (xi. G. 4); Newcourt, *Repertorium*, ii. 231 n.; Ely Register M, pp. 159 f. (this document is a confirmation by Richard of a gift of Bishop Nigel's).

⁵ MS. Cotton, Faustina A. iii, fo. 248.

⁶ *History of Exchequer* (1769), ii. 41 f.

⁷ *Pipe Roll*, 23 Hen. II, p. 144.

⁸ *Pipe Roll*, no. 44, m. 9: 'Et Ricardo thesaurario episcopo Londoniensi xv li. numero in Esendene et Beiford de tribus partibus anni. Et in eisdem terris c. s. de quarta parte anni, de quibus Stephanus de Sturn'ham debet respondere.' The words 'de quibus . . . respondere' are interlined.

⁹ *Pipe Roll*, no. 45, m. 7: 'Et in Esenden' et Beiford xv. li. de tribus partibus anni de quibus Willelmus thesaurarius debet respondere. Et eidem Willelmo c. s. de quarta parte anni in eisdem uillis quas Rex eidem dedit per breue Regis et amodo totum . . . Willelmus thesaurarius reddit compotum de xv. li. de firma de Esenden' et Beiford de tribus partibus anni. In thesauro nichil. Et in perdonis ipsi Willelmo xv. li. per breue Regis quod attulit de perdonando sibi xx. li. de predicta firma quod est in formulo marescalli.' The £20 remitted by the writ *de perdonando* presumably includes the 100s. for which Stephen de Sturn'ham was held accountable on the previous roll: I cannot find that he rendered an account. If this presumption is correct it follows that Richard received payment up to midsummer 1198, and that William recovered back-payments to that date. We must, I think, assume that this firm was an emolument of office.

relinquished the office of treasurer and William succeeded him at midsummer 1198: the change cannot, in any case, have taken place much later than that date.

To determine with any certainty when Richard became treasurer is a more difficult task. The treasurer is an infrequent witness to Henry II's charters, which are of no assistance on this point.¹ The name of Richard the treasurer first appears on a pipe roll in 1168,² but a deed dated Michaelmas 1165 shows that he was in office on that day.³ Another deed, to which he is witness, belongs to the last months of 1163 or, just possibly, the early days of 1164.⁴ The treasurer, therefore, who was granted a remission in respect of forest offences in Wiltshire in 1167 and a remission in respect of a murder fine in Ossulston hundred in Middlesex in 1168 was Richard.⁵ When, therefore, we find in the rolls of 1160 and 1162 remissions to the treasurer in Wiltshire and Middlesex, we are inclined to identify him here again with Richard.⁶

The treasurer appears in only one earlier pipe roll of Henry II, that of 1156, where he is mentioned under Cambridge and Devon: in the latter entry he is named William.⁷ It has been supposed that *Iohannes thesaurarius* mentioned in the same roll was also the king's treasurer: ⁸ he seems to have been responsible, together with the bishop of Lincoln, for restocking the royal manors in Yorkshire.⁹ But we have no reason to suppose that the office of treasurer was divided, and it is not at all unlikely that we should identify this John with the well-known John Belmeis, treasurer of York, the future bishop of Poitiers: he and the bishop of Lincoln were together in attendance on the king at Dover early in 1156.¹⁰ Who William was is not known, nor how long he held office; ¹¹ and it is conceivable that another may have

¹ Liebermann, *Einleitung*, p. 36 n. No subscription earlier than 1165 appears to have come to light: see Professor Haskins's note in Delisle, *Actes de Henri II*, ii. 463.

² *Pipe Roll*, 14 *Hen. II*, p. 222.

³ Madox, *Formulare*, p. xix.

⁴ H. Jenkinson, 'A Money-lender's Bonds of the Twelfth Century', in *Essays in History presented to R. L. Poole*, pp. 197, 208.

⁵ *Pipe Roll*, 13 *Hen. II*, p. 130; 14 *Hen. II*, p. 5.

⁶ *Pipe Roll*, 6 *Hen. II*, p. 18; 8 *Hen. II*, pp. 13, 67: it follows that the entries *Pipe Roll*, 6 *Hen. II*, p. 42 (Dorset) and 7 *Hen. II*, p. 18 (London) also refer to Richard.

⁷ *Pipe Roll*, 2 *Hen. II*, pp. 16, 47.

⁸ Madox, *History of Exchequer*, ii. 312; Liebermann, *Einleitung*, pp. 24 n., 35.

⁹ *Pipe Roll*, 2 *Hen. II*, p. 26.

¹⁰ *Monasticon*, iv. 538 (no. 9); Eyton, *Court of Henry II*, p. 15. John witnessed another charter of the king's at York (*Monasticon*, iv. 275 (no. 2)). This appears to have been granted at the memorable meeting when the question of criminous clerks was discussed (Robertson, *Materials for the History of Thomas Becket*, iii. 44). Note that John is here spoken of in one place as treasurer without qualification: 'Tandem Iohannes thesaurarius dixit.' Similarly an account of the proceedings in the curia regis at Gloucester on 13 December 1157 mentions 'Iohannem thesaurarium' among the proctors acting on behalf of the church of York (*Gloucester Cartulary*, ii. 106). Other examples of this kind where treasurers of churches are undoubtedly meant can be found even in royal charters: e.g. Delisle, *Actes de Henri II*, nos. 68*, 76*, 87.

¹¹ Cf. Liebermann, *Einleitung*, p. 35: 'zwei sonst unbekannte Männer 1155 als

been treasurer before Richard fitz Neal succeeded to the post. It has been not infrequently suggested that Bishop Nigel himself was treasurer under Henry II,¹ but this can be disproved, as Liebermann has shown, by several entries in the pipe rolls which mention Nigel and the treasurer together :² clearly they were different persons.

As we have seen, the entries in the pipe rolls suggest that Richard was already treasurer in 1160. This suggestion is borne out by the inclusion of William of Lavington, archdeacon of Ely, and Richard, who is entitled the king's treasurer, as witnesses to certain deeds of Bishop Nigel.³ William of Lavington is supposed to have died 'about 1160' :⁴ it is not easy to be certain of the dates of twelfth-century archdeacons, but the evidence of the early pipe rolls of Henry II suggests that William may have been dead some time before 1160.⁵

Against the evidence of the pipe rolls we have to set that of the *Historia Eliensis*, which seems to have been generally accepted without any great difficulty. The account of Bishop Nigel there given is largely the story of the wrongs suffered at his hands by

Thesaurarii auftauchen. The remission to William the treasurer of 5s. arising either out of Henry of Essex's eyre in Devon or from the *donum* of the county suggests that he had the 'libertas sedendi ad Scaccarium' : no such connexion with the exchequer is suggested by the entry relating to John. There are, in any case, no obvious grounds for supposing that William might be an ecclesiastical treasurer.

¹ e.g. Madox, *History of Exchequer*, i. 209; Foss, *Judges*, i. 285, 361; *Dialogus*, Introduction, p. 20; Davis, *England under the Normans and Angevins*, p. 288.

² *Einleitung*, p. 24; *Pipe Roll*, 2 Hen. II, p. 16; 6 Hen. II, p. 18; 7 Hen. II, p. 18; 8 Hen. II, p. 13. See also the Cade bond printed by Mr. Hilary Jenkinson which is witnessed by both the bishop of Ely and Richard the treasurer (*Essays in History presented to R. L. Poole*, p. 208). The suggestion that Nigel was treasurer has again been put forward in *Cambridge Medieval History*, v. 573: but the document there cited merely shows that Nigel occupied a prominent position at the exchequer. This we know from other sources, not only the *Dialogus*, pp. 97, 104, but also, for example, *Pipe Roll*, 2 Hen. II, pp. 4, 14, 15, 28, 65, where several payments are made 'through' or 'by the precept of' the bishop of Ely: cf. Madox, *History of Exchequer*, i. 209 b. Nigel's prominence probably explains Richard's insignificance during the early years of Henry II. If, however, Nigel had been treasurer at any time after the reign of Henry I, we should certainly have expected the *Dialogus* to have mentioned the fact in lib. i, c. viii: it implies the direct contrary (pp. 96, 97). A later passage (p. 104) might perhaps be taken to mean that Richard (as treasurer) succeeded Nigel: 'me ipso supplente ad scaccarium vices ipsius in quibus poteram'. But its real meaning is that Richard administered Nigel's affairs during his infirmity and it therefore fell to him to claim a remission on Nigel's behalf 'per libertatem sessionis', thus maintaining the privileges of the exchequer; the incident appears to have happened in 1167: see the editors' note on this passage, pp. 199, 200.

³ Ely Register M, pp. 155 b, 156 b. Richard signs as *Ricardus thesaurarius Regis (Anglie)*; William signs as *Willelmus Elyensis Archidiaconus*; elsewhere (p. 158 b) as *Willelmus de Lauent[ona] Archidiaconus*. I assume that his surname came from Lavington, Wilts., in which county he held lands (*Pipe Roll*, 2 Hen. II, p. 59). I have found no Ely documents subscribed by Richard as treasurer other than these two, which are cited by Bentham, *History of the Church of Ely*, p. 272 n.

⁴ Bentham, *op. cit.*, p. 272.

⁵ He appears thrice in the roll of 1156 (*Pipe Roll*, 2 Hen. II, pp. 16, 59), but at no later date.

the monks of Ely : it is a scandalous and highly imaginative narrative, with a strong hagiographical element : its chronology is confused. This is the sole source of our knowledge of the bargain between Henry II and Bishop Nigel which secured the office of treasurer for Richard. Briefly what we are told is this.¹ The king was engaged in raising money for the Toulouse campaign (of 1159), and his necessities afforded Nigel the opportunity of offering £400 for the treasurership when it should fall vacant.² Nigel, however, had not that sum at his command, and he therefore seized (as he had done before) the treasures of his church, including a wonderful pall,³ the gift of Queen Emma. These he sold to Robert de Chesney, bishop of Lincoln,⁴ who, having occasion to transact business at Rome, took the pall with him as a present to Eugenius III († 1153). The pope made inquiries and ordered the precious vestment to be restored to Ely. The bishop, having concluded his business at Rome, came back to England, but did not return the pall forthwith. Instead, he employed goldsmiths to remove the gold-work with which it was encrusted, and only the miraculous interposition of St. Etheldreda preserved it from injury until the monks finally bought it back from the bishop.

This story will not gain credibility by neglecting the miraculous and changing the pope's name to Alexander,⁵ for the writer goes on to tell us what afterwards happened to Nigel when Adrian was pope. With a narrative so little trustworthy we cannot place reliance upon details not in themselves improbable. The office of treasurer might well have been put to sale ; the purchase money might have been paid to the king, although no trace of the transaction appears in the pipe rolls ; but, in the absence of any corroboration, these remain mere possibilities and nothing more. Consequently any argument founded upon the statements of the

¹ Wharton, *Anglia Sacra*, i. 627.

² This seems to be the meaning of 'conductum accepit ab eo atque ministerium inter curiales, videlicet thesaurariam emit'.

³ Note that *palla* is here synonymous with *velum*.

⁴ It is to be noted that Robert is stated to have held similar treasures as pledges for money lent in Stephen's reign (*ibid.*, p. 625). The story of the present to Eugenius may be founded upon an actual incident during his pontificate.

⁵ See the note to this passage in *Acta Sanctorum*, Iun. v. 494. If Alexander were the pope meant, this would involve placing Robert de Chesney's visit to Rome in 1166, since Alexander was absent from Rome until November 1165, except for a few days at the time of his election and in June 1161, and Robert died before the end of 1166 : 27 December, given by the Lincoln Obituary as the date of Robert's death (Giraldus Cambrensis, *Opera*, vii. 36 n., 164), is almost certainly too late, as shown by *Pipe Roll*, 13 Hen. II, p. 58 ; cf. Eyton, *Court of Henry II*, p. 99. Adrian, however, had long before required the restoration to the church of Ely of all that Nigel had despoiled (Jaffé, *Regesta*, nos. 10149, 10265, 10535 ff. ; Liebermann, *Einleitung*, p. 25 n.) ; but to substitute Adrian for Eugenius would equally rule out any connexion with the Toulouse campaign and would throw back the alleged purchase of the office of treasurer to 1154-5.

Ely historian leads nowhere ; and Liebermann's conclusion that Bishop Nigel arranged his bargain before the king's departure for the Continent in August 1158¹ is baseless.

We need have little or no hesitation in believing that Richard was treasurer in 1160 : but he may have been already in office as early as the close of 1156. In the present state of our knowledge it does not seem possible to arrive at any more precise conclusion. All we can say is that he relinquished the office of treasurer in 1198 shortly before his death and probably at midsummer in that year, after a tenure of about forty years.

While his father lived Richard seems to have been completely overshadowed officially ; and, whatever his personal merits may have been,² there is nothing to suggest that he had any marked force of character or that at any period in his career, civil or ecclesiastical, he was of any political consequence. His elevation to the see of London was a fitting reward for diligence in the service of the Crown ; but he was no great churchman and his episcopate was in no way remarkable. That he devoted himself to the cares of his diocese is, however, suggested by a curious change in the writing of the pipe rolls, of which there will be more to say. But the only lasting monument to his memory is the *Dialogus de Scaccario*, the fruit of his official career.

The progress in the publication of the pipe rolls of the twelfth century has provided a good deal of material for the criticism of Richard fitz Neal's treatise. We have now in print all the extant pipe rolls up to that of the fourth year of Richard I, i. e. the isolated roll of Michaelmas 1130 and a continuous series from Michaelmas 1156 to Michaelmas 1192. Many of the statements in the *Dialogus* may be conveniently subjected to an examination more searching than was possible, not only when Liebermann wrote his *Einleitung*—that 'first essay of a beginner'³ which is still after fifty years the standard work on the subject—but also when the Oxford edition of 1902 was prepared, and when Dr. R. L. Poole delivered the Ford Lectures of 1911. It may therefore be of interest to examine certain well-known passages in the light of the information supplied by the printed pipe rolls. The main purpose of what follows is to show that the *Dialogus* was not, as is currently believed, completed in substantially its present form by the spring of 1179, and to make some suggestions as to the manner in which the work was composed.

¹ *Einleitung*, p. 33.

² Even the hostile Ely chronicler speaks highly of his abilities as a youth (*Anglia Sacra*, i. 627), and he earned a reputation for generosity and charity (Luard, *Annales Monastici*, ii. 70).

³ So Liebermann in his review of Dr. Poole's *Exchequer in the Twelfth Century* (*ante*, xxviii. 152 n.).

2. The Eyre System under Henry II

A passage in the *Dialogus*, which refers to the six circuits arranged for itinerant justices in 1176, has been relied upon to give the extreme date by which Richard fitz Neal must have finished his writing. Since four circuits were arranged for different groups of judges in 1179, this passage, it is argued, must have been written prior to the new arrangement.¹ The underlying assumption must, of course, be that the circuits of the itinerant justices under Henry II were, at least in a broad sense, fixed and certain for years together, until there was an authoritative rearrangement which itself endured for a considerable period. For this view, which appears to be shared by most historians,² little support is to be found either in the pipe rolls or in any other contemporary source of evidence. To show, however, that the view is inaccurate it is necessary to state, chiefly on the evidence of the pipe rolls, what actually were the arrangements for the circuits of the itinerant justices.

There is this difficulty with the pipe rolls, that they record merely debts due to the Crown within the accounting period between one Michaelmas and the next, and this accounting period may cut across the period occupied by an eyre: consequently the fiscal business arising out of an eyre may not all come before the exchequer in one session, and, further, there may be an apparent delay of twelve months before the exchequer has official cognizance of an eyre.³ But any uncertainty which may be thereby introduced is of little consequence in the present connexion.

The eyre system is, in essence, of remote antiquity; but in the course of the twelfth century it was organized and developed into an efficient and regular instrument of public administration. Stubbs, who devoted a good deal of labour and care to the investigation of the visitations of itinerant justices under Henry II, held the view that the year 1166 marked a definite stage of development in the system. From that year the visitations of the judges became, he thought, annual and general.⁴ This view is not strictly accurate. Visitations, if more regular, were not annual after 1166; and as for the earlier period, it is possible

¹ Liebermann, *Einleitung*, p. 10; Poole, *The Exchequer in the Twelfth Century*, pp. 8, 9.

² Even Stubbs on one occasion unguardedly used words which imply this: 'Henry took advantage of the event to remodel the provincial administration: in a great council held at Windsor, setting aside the arrangement of six circuits so lately devised, he divided England into four districts' (*Constitutional History* (6th ed.), i. 525; but see p. 648). Ramsay (*Angevin Empire*, p. 202) employs words similar to those quoted from Stubbs. Cf. Adams, *Political History of England*, p. 322: 'The kingdom was at first [*sic*] divided into six circuits, to each of which three justices were sent. Afterwards the number of justices [*sic*] was reduced.' See also the editors' note to this passage, *Dialogus*, p. 211.

³ Cf. *Pipe Roll*, 3 and 4 Ric. I, pp. xx ff.

⁴ *Gesta Henrici*, II. lxiv.

that the silences or ambiguities of the earlier pipe rolls may mislead us into believing that there was less regularity in the judicial organization than was actually the case. However, 1166 is a good enough starting-point for our present purpose.

The pipe rolls of that year and of 1167 show that Richard de Luci the justiciar and Geoffrey de Mandeville, earl of Essex, were holding pleas in a good many counties, at least seventeen. This eyre presumably was completed in 1166.¹ In 1167 no justices appear to have been on eyre (I except forest pleas, which were held by Alan de Neville in that year all over England). The pipe rolls of 1168, 1169, and 1170 disclose an organization closely approximating to a complete circuit system. In 1168 the north was visited by Richard de Luci; the midlands, East Anglia, and the south-east by a commission of four justices; the south and south-west by one or more justices unnamed.² The next visitation, apparently in the following twelvemonth, saw a different arrangement: the north and the adjacent midland counties were visited by William Basset and Alan de Neville, junior, and some southern counties by the latter alone; the east and south-east were visited by another group; and Richard de Luci visited Staffordshire.³ In 1170 an eyre seems just to have commenced—one commission had visited Cumberland and Northumberland, another the south-western counties from Hampshire to Devon⁴—

¹ Pleas in Northamptonshire appear, not in the roll for the twelfth year, but in *Pipe Roll, 13 Hen. II*, p. 116; they are not, however, entered as *nova placita*. Madox is in error in stating that Richard de Luci held pleas in 'Carlile' (*History of Exchequer* (ed. 1769), i. 148); he has made sundry other errors of a like kind. Hence Stubbs's account of the eyres based upon Madox's data (Introduction to *Gesta Henrici*, II. lxiv ff.) is not always accurate: any substantial divergence on his part from the evidence of the pipe rolls I indicate in the notes which follow.

² The commission of four was composed of the archdeacon of Poitiers, Guy dean of Waltham, Reginald de Warenne, and William Basset: they visited the counties of Lincoln, Northampton, Norfolk, Suffolk, Cambridge, Huntingdon, Essex, Hertford, Middlesex, Kent, Surrey, Sussex, Southampton (*Pipe Roll, 14 Hen. II*), Nottingham, Derby, Leicester, Warwick, Staffordshire, Gloucester (*Pipe Roll, 15 Hen. II*); occasionally one or two justices seem not to have been present, and in Kent Henry fitz Gerold acted in place of William Basset. Devon, Dorset, Wilts. (*Pipe Roll, 14 Hen. II*, pp. 133, 145, 163), Berks., Oxford, Buckingham, Bedford, and possibly Worcester and Hereford (*Pipe Roll, 15 Hen. II*, pp. 80, 85, 89, 139, 141) seem to have been visited, perhaps by members of the commission of four. An undated deed executed 'coram Iusticiariis Regis scilicet Ricardo Pictaviensi Archidiacono et Reginaldo de Warennā apud Dunstaplam' may belong to this eyre (Dugdale, *Origines Iuridicales* (1680), i. 50; Madox, *History of Exchequer*, i. 215).

³ William Basset and Alan de Neville visited Nottingham, Derby (*Pipe Roll, 15 Hen. II*), Cumberland, Northumberland, York, Lincoln, Leicester, Warwick; the latter alone, Berks., Wilts., Somerset (*Pipe Roll, 16 Hen. II*). For the eastern circuit the commission appears to have been composed of Guy dean of Waltham, the archdeacon of Poitiers, and Oger *Dapifer*: the first and third visited Cambridge, Huntingdon (*Pipe Roll, 15 Hen. II*), Norfolk, Suffolk; the second and third Essex, Hertford, Sussex, and (with Reginald de Warenne) Surrey; the archdeacon visited Northampton alone apparently (*Pipe Roll, 16 Hen. II*).

⁴ Robert de Stuteville and Hugh de Moreville were justices for the north; Reginald

when everything was brought to a standstill, presumably by the Inquest of Sheriffs.

The circuit system was reintroduced, but for a limited purpose—the tallage of the royal demesne—in 1173: six circuits are well marked.¹ In 1175 the country was divided into two circuits for judicial purposes; and the curia regis thereafter in the same year made a special visitation of nearly the whole of the country north of the Thames.² In the following year there was made the famous arrangement for enforcing the Assize of Northampton: the circuits are known both from the chronicles and from the pipe rolls of 1176 and 1177. From the latter it is apparent that the counties were visited at least twice in the two years,³ and although on the occasion of the first visitation the original arrangement was carried through, on the second occasion the northern and midland circuits were combined, the total number being in effect reduced to five.⁴ For levying an aid in 1177 there was a further reshuffle and the five circuits were reduced to four.⁵ These four circuits were retained for the purpose of a judicial visitation recorded in the pipe rolls of 1178 and 1179; three circuits were, however,

de Warenne and John Cumin for Hampshire, Wilts., Somerset, Dorset, and (with Gervase of Cornhill) Devon. The position of the entries on *Pipe Roll, 16 Hen. II.*, shows that the visitation was subsequent to that detailed in the previous note. Madox, *History of Exchequer*, i. 145, gives a long list for 17 Henry II, but these are not *nova placita*.

¹ Sefrid archdeacon of Chichester, Wimar the chaplain, Adam of Yarmouth, and Robert Mantel served Essex, Herts., Cambridge, Huntingdon, Norfolk, Suffolk; Richard the treasurer, Nicholas de Sigillo, and Reginald de Warenne served Buckingham, Bedford, Oxford, Kent, and Sussex, and Surrey was visited by Reginald de Warenne and Gervase of Cornhill; William Basset and John Mauduit served Northampton, Lincoln, and (with John the clerk) Nottingham and Derby; Guy dean of Waltham, Richard of Wilton, Hugh de Bocland, and William Rufus, Hampshire, Berks., Wilts., Dorset, Somerset, and Devon; John Cumin and Turstin fitz Simon, Hereford and (with Walter Map) Gloucester; John of Dover *et socii*, Staffordshire, Warwick, and Leicester. Some details are supplied by *Pipe Roll, 20 Hen. II.*

² Ranulf de Glanville and Hugh de Creissi took the counties north of the Thames including Oxford; William de Lanvalai and Thomas Basset those to the south and west. William fitz Ralf, Bertram de Verdun, and William Basset sat in the curia regis which visited fourteen counties from York in the north to Gloucester in the south; the position of the entries on *Pipe Roll, 21 Hen. II.*, and *Pipe Roll, 22 Hen. II.*, shows that this visitation was later in the year. Cf. Round, *Feudal England*, pp. 509 ff. There is no evidence that the itinerant justices and the curia regis were ever simultaneously in the same place, as suggested by G. B. Adams, *Courts and Councils in Anglo-Norman England*, p. 245.

³ The lists of justices in *Gesta Henrici*, i. 107–8, are those for 1176. Wiltshire was visited in the first place by Richard fitz Stephen, Gilbert Pipard, and William Rufus, and later, as shown by *Pipe Roll, 23 Hen. II.*, by the second and third of these, together with Gilbert de Colombières; obviously, therefore, there were two visitations in this case, and possibly three, to judge from the fresh items appearing in the pipe roll for 1177.

⁴ The sixth commission in *Gesta Henrici* does not reappear in 1177: its place is taken by the second commission, which visited Yorkshire as well as most of the counties in its original circuit. There were exceptional visitations by Richard de Luci of Hampshire (also visited by the third commission) and Middlesex, which seems not to have been included in the original scheme.

⁵ For list see *Gesta Henrici*, II. lxx, n. 3.

served by one commission, thus practically dividing the country into two as in 1175.¹ The year 1179 is, of course, memorable for the judicial arrangements decided upon at a council held at Windsor soon after Easter.² The extraordinary feature was the employment of a bishop at the head of three of the four circuits. But while we know from surviving legal records that one at least of the bishops duly started on the appointed visitation,³ it is noteworthy that no trace of the proceedings of any of the groups of justices appears on the pipe roll for 1179.⁴ In the roll for the following year the four groups appear, but minus the bishops: the circuits have clearly been rearranged and some special arrangements were necessary to clear off the business in a few counties.⁵ In 1181 there was no general visitation, and in 1182 only the north, the south-west, and some midland counties were visited.⁶ A general visitation next took place in 1183,⁷ the country being divided into three circuits.

Beyond this point I need not go, for the facts of the judicial and fiscal visitations over the eighteen years from 1166 to 1183

¹ The midland and northern circuit was visited by William Basset, Michael Belet, and Robert de Vaux, Bertram de Verdun joining the commission later: the south-western circuit was first visited by the other commission, consisting of Ralf fitz Stephen, Roger fitz Reinfrid, Robert Mantel, and William fitz Stephen, which subsequently proceeded to the East Anglian and south-eastern circuits; London and Middlesex were visited by this commission.

² For lists see *Gesta Henrici*, i. 238-9, which also indicates date; Eyton, *Court of Henry II*, p. 226, dates the council 10 April, but does not give his authority.

³ A fine shows the commission headed by Geoffrey bishop of Ely at Coventry on 30 July 1179; Eyton, *Court of Henry II*, p. 226. Another (MS. Cott. Vesp. E. xx, fo. 46 b) levied at Lincoln before the same justices may be a few weeks earlier; if its true date is Saturday after the Octave of the Apostles Peter and Paul, 25 Henry II, this should be equated with 7 July 1179, not 30 June as stated by Eyton, *loc. cit.*

⁴ This has been noted by Dr. Round in his Introduction to *Pipe Roll*, 25 Hen. II, p. xxii.

⁵ For details see *Pipe Roll*, 26 Hen. II, pp. xxv f.; *Pipe Roll*, 27 Hen. II, p. xxi. It should be added that Lincolnshire was visited by a special commission consisting of Bertram de Verdun, William de Bendenges, and Michael Belet as well as the regular commission for the second circuit (*Pipe Roll*, 26 Henry II, p. 57). The 'nova placita et nove conventiones' for Oxford in *Pipe Roll*, 27 Hen. II, pp. 113 f., are not, so far as appears from the roll, connected with the visitation of Ranulf de Glanville and Godfrey de Luci, as stated *ibid.*, p. xxi.

⁶ The counties visited, as appears from *Pipe Roll*, 28 Hen. II, were York, Derby, Nottingham, Northampton, Oxford, Worcester, Stafford, Wilts., Dorset, Somerset, Devon: three, four, or five of a group of seven justices visited each county. Ranulf de Glanville *et socii* visited Hampshire, which seems not to have been visited in 1180.

⁷ *Pipe Roll*, 29 Hen. II. Thomas fitz Bernard, Adam de Furnell, and Robert de Witefeld visited the counties of Northumberland, Cumberland, Westmorland, York, Lancaster, Lincoln, Nottingham, Derby, Leicester, Warwick, Stafford, Worcester, Salop, Hereford, Gloucester; they were at Gloucester in March (in the year 1182 reckoned from Lady Day) (*Gloucester Cartulary* (Rolls Series), i. 234). Roger fitz Reinfrid, William Ruffus, and Michael Belet visited Northampton, Rutland, Huntingdon, Cambridge, Norfolk, Suffolk, Essex, Hertford, Bedford, Buckingham, Berks., Middlesex, Surrey, Sussex, Southampton: Thomas fitz Bernard joined this commission in Essex and Hertford. Ranulf de Glanville visited, with Michael Belet, Dorset, Somerset, and Cornwall, and Devon and London apparently alone.

show plainly enough that there were no fixed circuits, and that while the order observed in one year might be loosely founded on the proceedings in the previous year, everything was provisional and subject to alteration and revision, even while an eyre was in progress. The changes in circuit were as shifting and various as the changes in the personnel composing the commissions, although the latter seem chiefly to have struck contemporaries¹ and the former passed without particular remark, in all probability because no stability and fixity in the round of visitations had hitherto been observed or were naturally expected.

Why the chroniclers should have chosen for notice two of Henry II's many arrangements for itinerant justices it is not difficult to guess, for that of 1176 enforced the Assize of Northampton and effected the settlement of the country after the rebellion, while that of 1179 was notable for the employment of the bishops of Winchester, Ely, and Norwich, the occasion of no little scandal at the time.² Nor is it difficult to suggest why Richard fitz Neal should have selected the former for mention and omitted the latter: the Assize of Northampton served to illustrate Henry II's character which the writer was then drawing, and followed naturally on the description of the rebellion of the king's sons: ³ to mention the commissions and circuits of 1179 would merely have interrupted the theme. We cannot argue that because the *Dialogus* does not refer to the council of Windsor, therefore Richard had no knowledge of it at the time of writing.

H. G. RICHARDSON.

¹ The passage in Ralf de Diceto's *Ymagines Historiarum* (*Opera*, i. 434) is well known.

² *Gesta*, i. 107 ff., 238 f.; R. de Diceto, *Ymagines*, i. 404, 434 ff. The objection to the employment of the bishops presumably lay in that it was directly prohibited by the twelfth canon of the third Lateran Council recently concluded (19 or 22 March—the exact day is uncertain); the decisions taken at Rome must have been known in England soon after, if not at the time of, the council of Windsor. It was, moreover, charged against the bishops that they had tried criminal causes involving the shedding of blood, a charge repudiated by the archbishop, who, it would seem, undertook their defence with the pope (*Petri Blesensis Epistolae*, no. 84; cf. R. de Diceto, *op. cit.*, p. 436). But if the charge was entirely devoid of foundation, it is difficult to understand the archbishop's letter to the three bishops (*P. Blesensis Epistolae*, no. 73) evidently written some time previously (whether in 1179 or a few years earlier; cf. R. de Diceto, *op. cit.*, p. 410: Trivet, *Annales*, p. 82, cited by Pollock and Maitland, *Hist. of English Law*, i. 457, merely reproduces the letter from Peter's epistles). It is likely that the bishops refrained from taking a prominent part in the later stages, at least, of the eyre, perhaps from motives of prudence. They continued, of course, to hear civil causes in the courts, and are found sitting all three with Glanville and other justices in the curia regis in later years, e.g. at Oxford in February 1180 (Round, *Feudal England*, p. 576), at Westminster *ad Scaccarium* in October 1181 (MS. Cott. Vesp. E. xx, fo. 45 b), at Westminster again in May 1182 (*Brit. Mus. Facsimiles of Royal &c. Charters*, no. 63); cf. *Monasticon*, vi. 54 (no. 4); Hunter, *Fines*, i. lxi; Madox, *History of Exchequer*, i. 213; Dugdale, *Origines Juridicales* (1680), i. 50.

³ The passage presents certain problems, as to which see *infra*. It appears in fact to have been written after the death of the young king, and long after 1179.

(To be continued.)

The Practice of Assignment in the Later Fourteenth Century

THE recent publication of Professor Willard's article¹ obviates any description by the present writer of the financial process called assignment. Of the importance of that process there can be little doubt. True, Professor Willard has warned us against carrying the contrast with cash payment too far: 'writs of assignment were after all only a slower form of payment.'² But he himself describes the inconvenience which this method caused to creditors, and that inconvenience was to have important consequences, among which may be reckoned the habit of discounting tallies of assignment.³ Again, though assignment is no more than an anticipation of the revenue, and theoretically cannot affect the gross total over a period of years, it is apt to lessen the value of such calculations as Sir James Ramsay's,⁴ which are reckoned annually, by distributing the yield of any given subsidy over more than one year.⁵ It is in fact, in the words of Professor Tout,⁶ a 'pernicious process . . . , by which . . . the Crown had sought to stave off present disaster by imposing severe penalties upon the future'.

But this is not all. The simple payment of the revenue in cash into the exchequer did not lend itself to any dangerous complications in the art of book-keeping: assignment, on the other hand, invited them, particularly when, as often happened, tallies of assignment were completely or in part dishonoured by the persons upon whom they were drawn. In such cases the creditor would return to the exchequer, the original entry would be cancelled, and a fresh tally levied for his benefit, with which he would depart to

¹ *Ante*, xlii. 12-19. For a further discussion of assignment see the references given by Professor Willard.

² *Ibid.* p. 21.

³ Hilary Jenkinson, 'Medieval Tallies, Public and Private,' *Archaeologia*, lxxiv, and the present writer in an article in *History*, January 1928.

⁴ *Revenues of the Kings of England, 1066-1399*, ii.

⁵ Thus writs of assignment, accompanied by tallies, may issue immediately upon a subsidy voted in parliament and will be entered forthwith as receipts on the Receipt Roll. But the cash balance brought by the collectors, when these drafts have been deducted, will not normally arrive at the exchequer within the same financial year, and may be entered even two or three years later. Of course, assignments were not limited to subsidies: payments expected under almost any head could be assigned.

⁶ *Ante*, xxxix. 411-12.

take another chance. Meanwhile the Crown would be credited with a fictitious 'loan' for the amount by which the creditor had been defrauded. Whenever assignment is frequent this process is common: the Crown might even cancel of set purpose all assignments on the customs or a subsidy for a time,¹ so that a whole crop of fictitious loans would result, all of which are apparently reckoned by Sir James Ramsay² as revenue.

Hence any student of the Receipt Rolls of this period will associate considerable confusion, cancellation, and in general bad finance with the practice of assignment, and on the other hand will find clarity, order, and simplicity accompanying the record of cash payments.

Since this is the case, it becomes important, as Professor Willard has already noted, to establish if possible the relation of cash payments to assignments, together with the circumstances in which one method or the other was preferred. Professor Willard himself has analysed in detail the two years 1327-8 and 1332-3, and has established the fact that in the former, a year of peace, assignment prevailed, while in the latter, a year of war, cash payment was considerably more common. In the period which Professor Willard chose there were no rough and ready data available for determining this ratio, but a few years later such data may be found on the Receipt Rolls, and they become general enough in and after 1349 to render the construction of a table possible.³

On the Issue Roll for the Michaelmas Term of the exchequer, 1332-3, cash payments are distinguished from drafts by the annotation *sol'* or *soluc'* as opposed to *assign'*, *ass'n*, *ass'*.⁴ A search of the Receipt Rolls of this decade has revealed the fact that the annotation *pro* for draft entries first occurs in the Easter Term of 1336, while in the Michaelmas Term of 1337-8, i. e. in the period of the great wool pre-emption⁵ at the beginning of the Hundred Years' war, it becomes common. Ten years later (2 Aug. 1346) it is followed by the first entry of *sol'* on the Receipt Roll, this in turn becoming common in and after the Easter Term of 1349. From

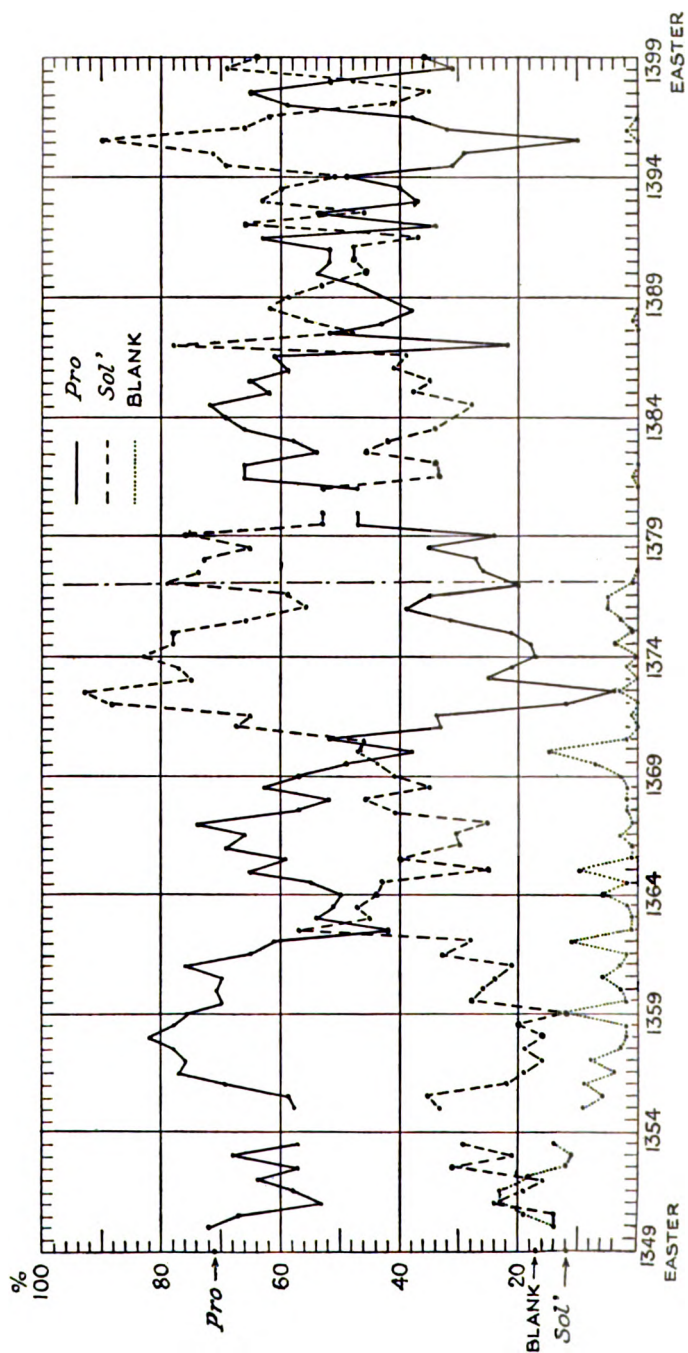
¹ *Finance and Trade under Edward III*, ed. G. Unwin, pp. 103, 117-18, 122.

² *Op. cit.*, *passim*. This is the more surprising as the same author in his *Genesis of Lancaster*, ii. 94-5, has analysed the payments to a single creditor, John Neville, in the period 1440-7, showing that in this case, as is not uncommon, several tallies were levied in succession over many years before the sum due was fully paid. In this way, £1,231 18s. 9d. did duty for £1,911 18s. 9d. But even genuine loans are capable of falsifying the revenue. See the writer's 'Distribution of Assignment in the Treasurer's Receipt Roll, 1364-5', *Cambridge Historical Journal*, ii, no. 2, p. 182.

³ The writer had embarked upon this study before Professor Willard's recent work appeared: he is none the less indebted indirectly to him, notably to his Introduction to *Surrey Taxation Returns* (Surrey Record Society), xviii, and directly to Mr. Jenkinson of the Public Record Office, for drawing his attention to the subject.

⁴ Willard, *ante*, xlii. 12.

⁵ *Finance and Trade under Edward III*, ed. G. Unwin, pp. 181-94.



this date most entries on the Treasurer's Roll, and eventually on the Chamberlains' as well, are marked on the right margin by one or other of these signs or their equivalents, and it becomes possible to make a table of their relative frequency. We have here, in fact, a reflection of the new *pro* and *sol*' tallies, whose introduction is attributed by Mr. Jenkinson¹ to 'some time in the reign of Edward III'; but we have more than that, for the convenience of this annotation was so quickly realized by the staff of the exchequer that almost from the first the terms are used even of entries for which no tallies were struck.²

In the tables which follow it is not, of course, claimed that anything like Professor Willard's accuracy in estimating the percentage of assignment is attained: Professor Willard was working on two years instead of fifty and was dealing with the actual sums of money involved. To have adopted his method over so long a period would have meant a great expenditure of time and trouble which, with the new data available, would hardly have been justified. These tables then do not represent the percentage of pounds, shillings, and pence assigned or paid in cash as the case may be, but merely the percentage of entries which were draft entries, as opposed to those which represented a cash transaction. The obvious objection may be made that five *pro* entries totalling £5,000 represent a far higher percentage of 'real' assignment than five hundred *sol*' entries totalling £500, and that the reverse will be shown upon these tables. The answer is that these tables do not profess to give the volume of assignment, any more than to record the gross revenue from year to year; moreover, it must be admitted that, though large *sol*' payments frequently occur, the value of *sol*' in general is habitually less than that of *pro*.³ But for reasons given elsewhere⁴ it is suggested that, in the fluctuations they record, the tables may still have an important *index* value in administrative history, and a rough test of this assumption may be found in the more immediate correlations they suggest.

These are three, namely, correlation with the wardrobe accounts, with changes in the staff of the exchequer, and with

¹ *Loc. cit.*

² e.g. loans, genuine and fictitious, *prestita restituta*, *remissiones*, and other entries which will be analysed by the present writer in a general study of Receipt Roll Marginalia during this period.

³ On the other hand the heavy assignments on the collectors of the customs and subsidies in the port of London may have a certain affinity to cash transactions, for the creditor would find their offices almost as close at hand as the exchequer, and might not have to wait long for his money. This consideration may do something towards redressing the discrepancy mentioned between the frequency and volume relationships of *sol*' and *pro*.

⁴ 'The Distribution of Assignment in the Treasurer's Receipt Roll 1364-5', *Cambridge Historical Journal*, ii, no. 2, pp. 178-85.

political events. The first of these has not been attempted: it is hoped that the forthcoming third and fourth volumes of Professor Tout's *Chapters in Administrative History* may make it possible. The same work may well be of assistance in the second correlation; for the only instance which immediately strikes the eye in glancing down a manuscript list of treasurers and chamberlains kindly lent by Mr. Jenkinson, is the very marked rise in *sol'* percentages contemporaneous with the dismissal of Bishop Brantingham and the appointment of a lay treasurer (Scrope) in 1371. Episcopal treasurers do not return before 1377, and throughout this period and for two years after it the Receipt Rolls are in excellent order and a high cash percentage, touching 93 per cent. in Michaelmas of 1372-3, is maintained. This is a curious commentary on a period famous for its constitutional crises and financial mismanagement and exhaustion, a period which begins with the blunder of the parish tax and ends with the poll tax of 1379. More especially, when it is discovered that the Easter and Michaelmas Terms of 1370 and 1370-1, the last in which Brantingham held office, are represented by the most disordered and difficult rolls of the whole series, does the hypothesis emerge that conceivably the lay ministers of 1371 have been unjustly condemned, owing to their grave initial error over the number of the parishes in England, and that their subsequent administration may not have been so disastrous as is commonly supposed.¹

There remains the third correlation, with political events. A study of the graph reveals a steady increase in the number of cash tallies levied from the opening date in 1349 to the peak period beginning abruptly in 1371. The minor variations are probably seasonal and may be explained as the result of making the inquiry term by term, instead of over a longer period. But the marked drop in and after 1356 needs accounting for, especially as according to Sir James Ramsay² it is not to be attributed to expenses for the Poitiers campaign, which, from the exchequer's point of view, were negligible. Manny's Berwick expedition, the king's Scottish raid, and the purchase and pensioning of Balliol may account for it, in spite of the fact that in 1327 and 1333 at least the greater peace there is, the more assignment.³ More remarkable is the sudden rise of *sol'* in the precise term (Michaelmas 1362-3) to which Professor Tout and Dr. Dorothy M. Broome⁴ attributed their 'Medieval Balance Sheet': it is in fact the only term in which the *sol'* percentage exceeds the *pro* between 1349 and 1370.

¹ Professor Tout thinks that on this occasion 'the anti-clerical cry was but a mask for the real issue, which was . . . the conduct of the war'. See 'Some Conflicting Tendencies in English Administrative History during the Fourteenth Century', *Bulletin of the John Rylands Library*, viii, no. 1. But the change in the Receipt Rolls is remarkable.

² *Revenues*, ii. 218.

³ See *infra*, p. 177, for a criticism of this principle.

⁴ *Ante*, xxxix. 411-19.

The difficult peak period which follows it has already been mentioned : it is worth noticing that the only deep cleft in it is for the regnal year 1375-6, the year of the Good Parliament.¹ In 1379 there is a sudden decline, associated once more with Brantingham, and a sharp drop in the Michaelmas term following the Peasants' Revolt. The winter of the Wonderful Parliament (1386-7) is followed by a sharp *sol'* rise and an equally sudden fall in 1387-8, while Richard's resumption of personal power in 1389 is accompanied by a steady decline down to 1391-2, when a strongly marked, if spasmodic, improvement sets in, culminating in a brief peak of 90 per cent. just after the first Irish expedition. This, however, sinks to 35 per cent. in 1397-8 with the suddenness characteristic of the reign. It is impossible not to bear in mind the events of 1397, and it is interesting to see them quickly followed by another brisk upward movement, which has only just begun to falter by the time of Richard's deposition.

Even this brief survey makes one doubt whether the financial policy of 1327-33 was necessarily followed for the rest of the century. So far from a period of war being a period of cash payment, the years between 1349 and 1360 mark the lowest ebb of cash transactions. In the case of so prolonged a strain this is only to be expected. Assignment, though infinitely slower and more troublesome for the creditor, was the quickest and most convenient, if the most 'pernicious', way by which the government could meet its obligations ; moreover it is almost certain that the wardrobe, still essentially the war department, continued to have a standing credit for a large sum at the exchequer until well into Richard II's reign, and it is quite certain that as long as this was the case most of the numerous requisitions made by wardrobe officials would be paid for by debentures,² which would ultimately pass through the exchequer and be noted as a species of assignment.³ There is, however, as yet no certainty in existing studies of later fourteenth century finance : that the machine changed somewhere round about the beginning of the Hundred Years' war and changed again repeatedly during the century is highly probable, but the nature of each change remains unknown.

The tables need a little explanation after the first three columns, which explain themselves.

Column 4 gives the Receipt Rolls extant for the term in question. There is a triplicate series, the credit for the discovery and rearrangement of which belongs to Mr. Jenkinson. For any one term the Treasurer's Roll, when in good condition, is better

¹ April-July, 1376.

² For the procedure see Charles Johnson, 'System of Account in the Wardrobe of Edward I', *Trans. Royal Hist. Soc.* vi. 1923.

³ This 'species' disappears under Richard II with the waning of the wardrobe.

than either Chamberlain's Roll, and may be distinguished from the others by the dot in the left margin employed to mark all entries (the considerable majority) which represent actual tallies. For the purposes of this study, every extant roll has been examined and collated with its fellows wherever possible: the Treasurer's Roll, when available, has been made the basis for each term: when it is damaged or missing, either Chamberlain's Roll at random. There is normally nothing to choose between the two Chamberlains' Rolls, except at the beginning of the period, when for some reason 'Chamberlain 2' is fuller. All cancelled entries have been omitted from, but all interlineations included in, the reckoning.

Columns 5 and 6 give the exact number of entries which are marked *sol'* or *pro* or its equivalent; column 7 gives the 'blank' entries opposite which there is no annotation. The peculiar *pro* notation is due to the fact that many entries are commonly grouped together in a single assignment: to the left of the dash will be found the number of assigned entries, to the right of it the number of grouped assignments. The percentages are naturally calculated on the first figure, but it was thought worth while to preserve the second.

The remaining columns need no explanation, and it will easily be seen that those terms in which the 'blanks' exceed 25 per cent. have been omitted from the graph.

ANTHONY STEEL.

Regnal Year.	Term.	Cal. Yrs.	Rolls.	Sol'.	Pro.	Blk.	Total Entries.	% (to nearest integer).		
								Sol' %.	Pro %.	Blk. %.
23 Ed. III	East.	1349	T, C2	77	431/256	102	610	12	71	17
24 "	Mich.	1349-50	C1, C2	79	385/207	243	707	11 ¹	55 ¹	34 ¹
" "	East.	1350	T, C1, C2	109	574/292	113	796	14	72	14
25 "	Mich.	1350-1	T, C1, C2	126	590/365	163	879	14	67	19
" "	East.	1351	T, C1, C2	139	308/200	138	585	24	53	23
26 "	Mich.	1351-2	T, C1, C2	137	423/275	170	730	19	58	23
" "	East.	1352	T, C1, C2	97	375/213	115	587	16	64	20
27 "	Mich.	1352-3	T, C1, C2	227	412/255	86	725	31	57	12
" "	East.	1353	T, C1, C2	137	432/289	72	641	21	68	11
28 "	Mich.	1353-4	T, C1, C2	243	477/335	112	832	29	57	14
" "	East.	1354	C1, C2	62	66/58	346	474	13 ¹	14 ¹	73 ¹
29 "	Mich.	1354-5	C1, C2	174	259/191	301	734	24 ¹	35 ¹	41 ¹
" "	East.	1355	T, C2	175	302/225	47	524	33	58	9
30 "	Mich.	1355-6	T, C1, C2	245	404/307	41	690	35	59	6
" "	East.	1356	T, C2	133	413/310	56	602	22	69	9
31 "	Mich.	1356-7	T, C1, C2 ²	196	799/520	40	1035	19	77	4
" "	East.	1357	C1, C2	146	692/491	73	911	16	76	8
32 "	Mich.	1357-8	T, C1, C2	228	903/654	32	1163	19	78	3
" "	East.	1358	T, C1, C2	133	698/510	18	849	16	82	2
33 "	Mich.	1358-9	T, C1, C2	219	834/626	17	1070	20	78	2
" "	East.	1359	C1, C2	156	1028/633	166	1350	12	76	12
34 "	Mich.	1359-60	T, C1, C2	227	577/385	20	824	28	70	2
" "	East.	1360	T, C2	194	525/358	22	741	26	71	3
35 "	Mich.	1360-1	T ³ , C1, C2	290	840/545	78	1208	24	70	6
" "	East.	1361	T	149	545/365	19	713	21	76	3
36 "	Mich.	1361-2	T, C2	320	624/428	16	960	33	65	2
" "	East.	1362	T, C1, C2	222	492/304	87	801	28	61	11
37 "	Mich.	1362-3	T, C2	320	240/192	6	566	57	42	1
" "	East.	1363	T, C1, C2	217	260/181	6	483	45	54	1
38 "	Mich.	1363-4	T, C2	275	294/213	10	579	47	51	2
" "	East.	1364	T, C1	245	275/183	31	551	44	50	6
39 "	Mich.	1364-5	T, C2	292 ⁴	367/245	16	675	43	55	2
" "	East.	1365	C1, C2	138	366/257	59	563	25	65	10
40 "	Mich.	1365-6	C1, C2	263	391/248	9	663	40	59	1
" "	East.	1366	C1, C2	207	465/319	6	678	30	69	1
41 "	Mich.	1366-7	C1, C2	234	497/344	20	751	31	66	3
" "	East.	1367	C1, C2	163	482/313	4	649	25	74	1
42 "	Mich.	1367-8	C1, C2	246	343/270	13	602	41	57	2
" "	East.	1368	C1, C2	174	200/154	8	382	46	52	2
43 "	Mich.	1368-9	T, C1, C2	218	385/273	11	614	35	63	2
" "	East.	1369	C2 ⁵	241	324/217	15	580	41	56	3
44 "	Mich.	1369-70	C1	496	556/338	78	1130	44	49	7
" "	East.	1370	T, C2	556	454/326	180	1190	47	38	15
45 "	Mich.	1370-1	C1, C2 ⁶	437	491/288	17	945	46	52	2
" "	East.	1371	C1	416	202/128	3	621	67	33	—
46 "	Mich.	1371-2	C1, C2	518	277/216	5	800	65	34	1
" "	East.	1372	T, C1, C2	669	94/45	2	765	88	12	—
47 "	Mich.	1372-3	C2	835	33/16	25	893	93	4	3
" "	East.	1373	C1, C2	642	212/46	4	858	75	25	—
48 "	Mich.	1373-4	T	642	172/101	17	831	77	21	2
" "	East.	1374	T, C1, C2	553	112/63	3	668	83	17	—
49 "	Mich.	1374-5	C1	677	154/87	34	865	78	18	4
" "	East.	1375	C1, C2	446	123/81	3	572	78	21	1

¹ Omitted from graph, owing to high blank percentage.² T part 1 only, C1 and C2 both parts.³ T part 2 only, C1 and C2 both parts.⁴ This is the absolute total. In the analysis of this roll undertaken in the *Cambridge Historical Journal*, ii, no. 2, entries containing both a *pro* and a *sol'* element were split up and reckoned separately, thus bringing up the *sol'* total to 302. In these tables all such payments are counted once only, as *pro*.⁵ C1 unfit.⁶ 23rd January to 14th February 1371 (inclusive) missing from both rolls, also part of 25th October 1370 and 22nd January 1371.

Regnal Year.	Term.	Cal. Yrs.	Rolls.	Sol ¹ .	Pro.	Blk.	Total Entries.	% (to nearest integer).		
								Sol ¹ %.	Pro %.	Blk. %.
50 Ed. III	Mich.	1375-6	C1	402	191/148	15	608	66	31	3
" "	East.	1376	C1	305	212/130	30	547	56	39	5
51 " "	Mich.	1376-7	C1	401	240/130	32	673	59	36	5
" "	East.	1377	T, C1, C2	474	119/79	2	595 ¹⁾	79	20	1
{1 Ric. II	East.	1377	T	60	19/13	5	84 ¹⁾			
" "	Mich.	1377-8	C1, C2	853	296/131	4	1153	74	26	—
" "	East.	1378	T, C1, C2	405	147/84	—	552	73	27	—
2 " "	Mich.	1378-9	C1	577	314/163	4	895	65	35	—
" "	East.	1379	T, C1, C2 ²	724	233/138	1	958	76	24	—
3 " "	Mich.	1379-80	C1, C2	{401 219	391/211 ³ 154/65 ³	— —	1165	53	47	—
" "	East.	1380	C1, C2	{261 373	308/168 ³ 245/147 ³	2) 1)	1190	53	47	—
4 " "	Mich.	1380-1	No Rolls survive for this term					—	—	—
" "	East.	1381	T, C1, C2	460	407/140	5	872	53	47	—
5 " "	Mich.	1381-2	C2	365	736/366	13	1114	33	66	1
" "	East.	1382	T, C1, C2	236	464/312	—	700	34	66	—
6 " "	Mich.	1382-3	C1, C2	486	570/380	2	1058	46	54	—
" "	East.	1383	T, C1, C2	357	496/319	1	854	42	58	—
7 " "	Mich.	1383-4	T, C1, C2	426	833/493	1	1260	34	66	—
" "	East.	1384	T, C1, C2	264	583/341	—	847	31	69	—
8 " "	Mich.	1384-5	T, C1	359	921/510	—	1280	28	72	—
" "	East.	1385	T, C1	383	618/329	—	1001	38	62	—
9 " "	Mich.	1385-6	C1	{289 267	1008/527 ³ 31/10 ³	4) —	1599	35	65	—
" "	East.	1386	T, C2	427	599/333	4	1030	41	59	—
10 " "	Mich.	1386-7	T, C1	460	710/435	2	1172	39	61	—
" "	East.	1387	T, C1	508	145/97	—	653	78	22	—
11 " "	Mich.	1387-8	C1	419	458/370	—	877	48	52	—
" "	East.	1388	C1	595	452/317	16	1063	56	43	1
12 " "	Mich.	1388-9	T	598	362/263	—	960	62	38	—
" "	East.	1389	C1	{290 195	301/235 ⁴ 39/11 ⁴	— —	825	59	41	—
13 " "	Mich.	1389-90	C1, C2	{429 77	454/341 ⁴ —	— —	960	53	47	—
" "	East.	1390	T, C1, C2	288	340/251	—	628	46	54	—
14 " "	Mich.	1390-1	C1, C2	{338 95	467/314 ⁴ —	3) 2)	905	48	52	—
" "	East.	1391	T, C1, C2	262	286/182	1	549	48	52	—
15 " "	Mich.	1391-2	T, C1	330	554/307	—	884	37	63	—
" "	East.	1392	T, C1, C2	469	246/140	—	715	66	34	—
16 " "	Mich.	1392-3	T, C1, C2	424	502/238	—	926	46	54	—
" "	East.	1393	C1	574	338/216	1	913	63	37	—
17 " "	Mich.	1393-4	C1	596	403/180	—	999	60	40	—
" "	East.	1394	T, C1	311	298/152	—	609	51	49	—
18 " "	Mich.	1394-5	T, C1, C2	534	245/171	—	779	69	31	—
" "	East.	1395	C2	467	188/149	2	657	71	29	—
19 " "	Mich.	1395-6	T, C1	656	76/63	—	732	90	10	—
" "	East.	1396	T, C1	414	200/161	11	625	66	32	2
20 " "	Mich.	1396-7	T, C1	454	281/183	1	736	62	38	—
" "	East.	1397	T, C1	370	523/349	3	896	41	59	—
21 " "	Mich.	1397-8	T	370	679/459	1	1050	35	65	—
" "	East.	1398	T, C1	363	391/234	1	755	48	52	—
22 " "	Mich.	1398-9	T, C1, C2	690	315/153	—	1005	69	31	—
" "	East.	1399	T, C1	493	281/137	—	774	64	36	—

¹ The two sets constitute one term. Last entry under Ed. III 20th June, first under Ric. II 20th June, 1377.

² First month C1, C2 only (18th April to 17th May).

³ Special receivers appointed in these terms. Their receipts usually follow on after the normal receipts and are entered here below them.

⁴ Special receivers appointed in these terms. In Mich. 1390-1 their receipts are placed at the head, instead of at the foot, of the rolls.

The Rebellion of Humphrey Stafford in 1486

TO write of Humphrey Stafford's rebellion is to tell the story of a dismal failure. Looked at as a problem in legal history, however, the rebellion has a very definite significance, and an examination of its details reveals some useful information on one of those partially known episodes—and there are too many of them—which make the early years of Henry VII's reign so puzzling to its historians.

In the narratives of the reign, the rebellion is only an incident whose insignificance a summary of what they tell will best reveal.¹ We learn from them that in the course of his progress northwards in April 1486 Henry VII heard that Francis Lord Lovell and Humphrey Stafford had escaped from sanctuary at Colchester, whither they had fled after Bosworth, and that they were preparing a rebellion. Many years later Sir Hugh Conway was most emphatic that Henry was unwilling to credit them with any such schemes;² but the king was 'a dark prince and infinitely suspicious and his time full of secret conspiracies':³ so we must not marvel if he kept his counsels to himself. It will be seen later that his incredulity was less ingenuous than he wished his subjects to think. Some of those 'flies and familiars' whose activities on Henry's behalf are described by Bacon as a feature of the reign were at work quite early, and Henry was by no means unprepared. Whatever may be the full truth, by the time the king reached Pontefract on 20 April rumour was distilling into facts. They were not reassuring for a king with a newly won crown. Lovell was getting ready to attack York, and somewhere in the west country the Staffords were busy with a scheme for seizing Worcester. The dreary tragi-

¹ Polydore Virgil, *Historia Anglica* (ed. 1570), 568; Hall, *Chronicle*, 427; Bacon, *Henry VII* (ed. Lumby), 20; Busch, *England under the Tudors*, 30; H. A. L. Fisher, *Polit. Hist.* 12; G. Temperley, *Henry VII*, 53.

² Gairdner, *Lett. and Pap. Rich. III and Hen. VII* (R. S.), i. 234. Conway, speaking about 1503, told how his report of the plot had been conveyed to the king. 'Wher uppon I was brought byfore hys hygnes and I affirmed all to be true as my seid frend hade shewed; and the Kyng said that hyt could not be so, and resoned with me alweyes to the contrary of my said sayynges.' Hall, *Chronicle*, 427, also stresses Henry's incredulity.

³ Bacon, *Henry VII*, 217.

comedy of civil war might well be played again by such a cast, but the players proved themselves unfitted for their parts. The crisis passed, and so the sequel gets scant treatment in the narratives. We hear that Henry's active measures, the duke of Bedford's three thousand troops, and the offer of a general pardon, led to the desertion of Lovell's supporters, that this frightened the Stafford party with the result that the Worcestershire plot collapsed, that Stafford fled again to sanctuary, that the gates of a privileged place could not prevail against the king's wrath, and that Stafford died a traitor's death. With this the episode is closed.

There still remains a little to be told. It is concerned with many details, but the reign of a king whose genius was primarily administrative—which is but another way of saying that he was an expert in the supervision of the small things of government—can best be appreciated by a careful study of such details. They illustrate the working of the administrative machinery at the opening of the reign, suggest the insecurity of the new king's position, and prove the firmness with which he grasped the problems before him. What is perhaps their main interest comes to them from the nature of the sources from which they have been collected. Although no historian has narrated the Stafford affair at length, its history is none the less trustworthy for having been carefully penned in instalments by more than one clerk. The information put into indictments, plea rolls, and other official documents by legal clerks, and in year books by law reporters, form the prime source for the story of the rebellion.¹

This material leads us back to the assertion made by Sir Hugh Conway. A letter of no small interest makes it certain that, whatever Henry's attitude, it was not long before he took steps to protect himself. The presence of this letter in a file of indictments dealing with the rebellion is best explained on the assumption that it was to be used as evidence in the legal proceedings.² It is addressed to Morton, lord chancellor, by one Thomas Cokesey, and it states that the writer and his 'uncle Vampage' had been commissioned by the king to search for Humphrey Stafford. Cokesey gives a full account of his search, but although he succeeded in tracking the rebel to a wood near Bewdley, he arrived there too late. Stafford had gone, and though Cokesey's followers 'to the noumbre of iiijC wel beset aboute the seyde wode and made scherche (*sic*) theryn to the utte uttemas we coude doe; how be hyt as yet wee can not gete hym ne here where he hys become'.

¹ As to the controversy over the relative value of plea rolls and year books for the historian, this paper helps to show how the different types of legal material may be coordinated; and while on the whole here is a case where the official sources can be used to provide more material than the year books, the value of the latter is not negligible, since the unofficial reports throw light on the places left dark in the official accounts.

² Public Record Office, Anc. Indict. 138/9.

The characteristic disinclination of contemporary letter-writers to commit to paper more than they could help deprives us of further information, though we read that the bearer of the letter will tell more if he be questioned. It is possible to answer some of the questions that may have been put to him.

The methods employed by Stafford in gathering together his troops were varied. He had established personal contact with some men in the district, to others he had sent messages, as in the case of one Richard Oseney whom he had asked to come to Kidderminster.¹ It was common knowledge that Stafford had been attainted in the first parliament of the reign, and that fact was likely to hinder him from gaining support.² He therefore spread the news that Henry had pardoned him, and as proof he produced forged letters patent, on the strength of which he proclaimed himself to be a true liegeman of the king.³ This story, once started, quickly spread, and hints in the indictments show that he soon obtained adherents. More rumours followed, and they show the direction in which Stafford's plans were shaped. Many of his supporters were later indicted because they had plotted the king's death and in odious English words proclaimed 'A Warwyke, A Warwyke'!⁴ Some had gone farther, saying that Henry had been captured in Yorkshire by Francis lord Lovell. Some had even said that Edward earl of Warwick had been set free in the isle of Guernsey and had been brought through the counties of England to York, where he had been put in the keeping of Lovell. And all had supported Stafford, whose plan it was to ride with all speed with as large a band as possible to assist Lovell in the destruction of Henry VII.⁵

Those not indicted on these counts were charged for other actions of various kinds. Thus John Stafford, illegitimate son of Humphrey, was indicted for complicity in the rebellion, and also for stealing horses from the king's close at Upton-on-Severn;⁶ while one of the counts in the indictment of Ralph Botery was that he had given two pheasants to Humphrey Stafford 'propter amorem quem versus ipsum tunc habuit'.⁷ The charge against Richard Burdett, knight, explains Stafford's escape from Cokesey's party; for the knight was charged with having warned Stafford of the approach of the king's men.⁸ Most interesting of all, however,

¹ *Ibid.* 138/65 : Coram Rege Roll, Hilary 4 Hen. VII, rex. rot. 2 d.

² *Rot. Parl.* vi. 275 b ; Campbell, *Materials*, i. 506, 531, 533, 536, ii. 467 ; and *Cal. Inquis. P.M.* Hen. VII, i. 1224, give details of the forfeiture of his estates.

³ *Anc. Indict.* 127/31 ; Coram Rege Roll, Pasch. 3 Hen. VII, rex. rot. 4.

⁴ *Anc. Indict.* 127/5.

⁵ *Ibid.* 127/5, 138/1 ; Coram Rege Roll, Mich. 4 Hen. VII, rex. rot. 3 ; *ibid.*, Trin. 1 Hen. VII, rex. rot. 11.

⁶ *Anc. Indict.* 138/68.

⁷ *Ibid.* 138/13 ; Coram Rege Roll, Mich. 3 Hen. VII, rex. rot. 7.

⁸ *Anc. Indict.* 138/72.

is an indictment of the bailiff and commonalty of Worcester for allowing Stafford's men to enter the city because of their negligence in not providing an efficient guard for the gates.¹ Subsequent events show that the occupation was a temporary incident, and the evidence before us shows also that the citizens of Worcester escaped punishment. But the case itself is valuable evidence of what the new king could expect in districts where he had not yet succeeded in making good his claims.

Such in the main are the facts concerning Stafford's rebellion as revealed in the legal proceedings to which they gave rise. They are not devoid of interest, but they are chiefly of value because they can throw light on administrative and legal history, and it is with this object that they must now be approached.

That such proceedings were thorough is evident from the two bulky files of indictments which still survive, and from the numerous king's bench cases arising out of them, accounts of which will be found scattered through the rolls of that court for the early years of the reign.² Sessions were held at Birmingham and Worcester.³ While some of the cases remained unfinished owing to the non-appearance of the rebels, and some were adjourned into the king's bench for further hearing, many of them were settled in the first court. It is the nature of those settlements and the way in which they were reached that are really of importance.

The first impression suggested by the proceedings is a realization of the extremely close connexion existing between the king and the judges engaged in the trials. Henry's close interest in the indictment of Stafford is a feature of which more will be said later : it is by no means the sole indication of his activities. Included among the ancient indictments are several writs ordering the judges to cease proceedings in certain cases. They are hints of external interference—though they are by no means irregular according to the rules of procedure of the period and the latitude allowed to the prerogative—but their use suggests that Henry was in close touch with what was being done in his name.

How such interference worked may be seen from an example. On 14 May orders were issued to stay proceedings in one case. Two days later a message to the effect that the king now knows more than he did when he sent the first message was coupled with instructions to proceed with the case.⁴ It seems a simple, not to say unimportant, procedure : but fortunately we can see what was going on behind the scenes. On 14 May a faithful subject of the

¹ Coram Rege Roll, Mich. 4 Hen. VII, rex. rot. 13.

² For the indictments see P.R.O. Anc. Indict. 127 (Warwickshire) and 138 (Worcestershire). For cases in king's bench, see Coram Rege Rolls, 1 Hen. VII–5 Hen. VII *passim*.

³ For Commissions of Oyer and Terminer, 3 and 15 May 1486, see *Cal. Pat. Rolls*, 1485–94, p. 106.

⁴ Anc. Indict. 138/23. 24.

king, one John Colard of Feckenham, petitioned his sovereign. It saddened him to think the king could accuse him of rebellion and he wants to plead an excuse. On market day at Bromsgrove he saw Humphrey Stafford and heard the tale of the king's annulment of the attainder. Like others he had naturally expressed pleasure, but he had done it 'more for drede than love'. But evil tongues had spoken of him as a rebel. He had been indicted for treason. He put forward this excuse in the hope that the king would cancel the indictment, pardon him, and regard him again as a true liegeman. Henry agreed. The petition is endorsed 'De mandato domini regis viva voce'.¹

Two days later another faithful subject was preparing a petition—as indignant as he dare make it—for the king. Thomas Toltho drew Henry's attention to Colard's 'great and heynous treason', for which process should have passed on him. But 'sinistre labour' had been used on Colard's behalf and under the privy seal an order had been issued to surcease from proceeding in the case. Inasmuch as the king had been deceived, Toltho hoped that other letters would be sent countermanding it, and that Colard would be punished.²

How comes Toltho into the story? The answer is in his own petition, where he explains that he had been granted all the lands, goods, and chattels of the said John Colard in consideration of faithful service to the king. It would go hard with him if Colard were not punished. For the end of this contest we must go to yet another record. When Colard's case came up for hearing in Michaelmas term 1487 defendant pleaded letters of pardon issued at Winchester 25 September 1486, and his case was dismissed *sine die*.³ So the 'sinistre labour' won in the end.

This example is suggestive. Despite efforts made earlier in the century to place a check on royal interference in judicial matters both by legislation and by the deliberate policy of individual judges, there can be no doubt that under Henry VII—especially in such extraordinary matters as rebellion—the king claimed and exercised considerable discretionary power. In doing so he was undoubtedly acting within his sphere, but in this, as in so many other matters, the strength of the first Tudor rested not so much in the invention of new prerogative powers as in the efficient exploitation of those which were in danger of lapsing through lack of use.

It is to this royal interference in judicial matters that the second striking feature of these proceedings is due. The wholesale issue of letters of pardon is a phenomenon familiar to students of fifteenth-century legal administration. It played its part in the proceedings under notice, and writs to surcease must be regarded

¹ Campbell, *Materials*, i. 434.

² *Ibid.* 435.

³ *Coram Rege* Roll, Mich. 3 Hen. VII, rex. rot. 1.

in many cases as the prelude to the issue of a pardon. So generous was the use of the pardon that out of all the cases dealt with in court—and they were many—it does not appear that any one was punished save Stafford himself. Such clemency was in full keeping with Henry's conciliatory policy during the early years of the reign, and it was abundantly justified by results.

Useful as are the general legal proceedings connected with the rebellion as an indication of royal policy, there is more illuminating material in the trial of Humphrey Stafford. Though the story is not unknown, its real importance can only be appreciated by a detailed study. The truth has to be pieced together from various sources. In the official rolls of king's bench we have a bald recital of the relevant facts of the case,¹ but the year book reports tell us more about what went on behind the scenes.²

Stafford's flight to sanctuary at Culham—whither he fled on 11 May 1486—did not save him, for on the night of 13 May he was forcibly taken out by one John Savage, assisted by a band of sixty followers.³ But before his case was heard, an unofficial rehearsal of it seems to have been begun in the exchequer chamber. It was obvious that Stafford's line of defence must be a plea for restoration to sanctuary on the ground that the king's officers had no authority to remove him thence, and the judges discussed this point. Some of them wanted to approach the lords spiritual, since it appeared to them to be a spiritual matter; but they were strenuously opposed by Townshend, who held it was a matter for common lawyers to settle, 'for no franchise can be made without a grant from the king, because none can grant such a franchise—that any one can have such a place of safety—except the king himself'.⁴ In Townshend's opinion the law was perfectly clear. The king by letters patent could make a sanctuary without papal or ecclesiastical grant, 'and the Pope can do nothing within this realm, for the pardon or dispensation of treason belongs absolutely to the King'. This anti-papal opinion was clinched by the argument that such a place of safety becomes sanctuary after papal consecration, but that the principle of safety begins in the common law and that therefore the whole question was one for the common law judges to decide. After further discussion the judges decided to go into the question again at another sitting.

¹ *Coram Rege* Roll, Trin. 1 Hen. VII, rex rot. 8.

² *Y.B. Trin. 1 Hen. VII* (ed. 1679), pl. 1, p. 25, contains the fullest printed version. There is another report in *Y.B. Pasch. 1 Hen. VII*, pl. 15, p. 22. The writer of this seems to have seen the account in the official record, for his account resembles that on the plea roll. There is another version of the case in Brit. Mus. MS. Harl. 105, f. 101. This differs from both printed versions. A shorter account will be found on f. 95 b, and yet another in B.M. Addit. MS. 35938, f. 26. The account in the text embodies information from all sources.

³ *Coram Rege* Roll, Trin. 1 Hen. VII, rex rot. 8.

⁴ *Y.B. Trin. 1 Hen. VII*, *ut sup.*

It should be remembered that this discussion was being carried on unofficially before Stafford's case was heard. Whatever opinions they held concerning sanctuary, the judges realized the importance of this fact, and they expressed unwillingness to give an opinion on a matter that was later to come before them in court. Hody, king's attorney, could only meet their objection with the lame excuse that the case was being thus brought to the notice of the judges because the king did not know whether Stafford was entitled to plead sanctuary, and consequently he wanted the opinion of the judges beforehand. It is an explanation that hardly explains. While Fairfax and others said it was hard for them to be called upon to commit themselves, they do not appear to have taken up a definite attitude. Like some earlier fifteenth-century judges they preferred to shift responsibility, and they left it for Hussey C. J. to decide when he returned to London. He was more confident. On the day after his return he went to the king 'and sought his Grace that he would not force them to give their opinion about Humphrey Stafford, because they understood that his case was to come up before them judicially in king's bench, and then they would do what was right for them to do'.¹ Henry granted the request, but he added instructions that they were not to waste time over the case when it did come before them.

Stafford appeared in king's bench on 20 June, and made it clear that he would fight the sanctuary issue. He was assigned counsel and the case was adjourned until 28 June.² 'But note', says the reporter, 'that the king was displeased at the long adjournment.'³ On 28 June the abbot of Abingdon appeared in answer to a summons to show evidence of the sanctuary rights he claimed. Into the intricacies of the pleadings and the *obiter dicta* on sanctuary privileges it is not important to enter, but it should be noticed that the judges did not find it easy to come to a decision.⁴ At some time before judgement was given there seems to have been another consultation in the exchequer chamber, and possibly it was only after indications of the king's desires that the judges came to a decision. It was to the effect that sanctuary could not be pleaded in cases of treason. Once that judgement had been given there remained no hope for Stafford. On 5 July he was condemned to a traitor's death.⁵

As an early indication of what Tudor policy was to be when confronted by problems of ecclesiastical privilege the proceedings

¹ *Ibid.* p. 26.

² *Coram Rege* Roll, Trin. 1 Hen. VII, rex. rot. 8.

³ *Y.B. Trin. 1 Hen. VII*, p. 26.

⁴ The question of sanctuary is not of prime interest here. Those interested in it will find Stafford's case included in a general survey of the problem in *Tudor Studies* (ed. R. W. Seton Watson), p. 199.

⁵ *Dict. Nat. Biog.*, xviii. 862 b, makes a reference to Stafford, but states that he was put to death on 17 November 1485.

in Stafford's case have great significance ; but they tell an equally interesting story to those concerned with the problem of the control of the judiciary and the part played by judicial interpretation in the working out of Tudor policy. Stafford's case illustrates a feature characteristic of Yorkist and Tudor times. Though the influence of the judiciary upon some of the thorny constitutional problems of the period is not always obvious, a close study of individual cases reveals not merely its potentialities, but also the actual contribution made by the judges on more than one occasion in the evolution of constitutional theory and practice.

Nor are these rebellion proceedings merely incidental in constitutional and legal history, though their main significance undoubtedly lies in this sphere. They have a political meaning, for they may be taken as a test of the efficiency of Henry's methods and a sign of his increasing domination over a country he had won by the sword and intended to keep by efficient administration. The early years of the reign were not easy, and the rebellions and riots with which they were filled were more important than is sometimes realized. Stafford's rising was not an isolated event. Even while the north was being dealt with there were small but ominous incidents taking place in the south. On 2 May 1486 and on several days before and after there was a riotous attempt to depose the king in London. The malcontents, armed with standards reminiscent of earlier days,¹ met at Westminster on 5 May and then went to Highbury in the parish of Islington to attack lieges of the king. Other incidents of a similar nature can be gathered from the years 1485-7 to be added to the more sensational and therefore better-known indications of disaffection during those years. Henry's policy in all cases was that revealed in the Stafford rising with its stern repressive measures, generous use of pardons, and ruthless treatment of the leaders. As a result of this policy it is clear that by June 1487 the king was doing more than merely holding his own. It is in the light of facts such as these that the notorious 'Star Chamber Act' should be read.² However that act is interpreted, it remains an illustration of the royal policy for tightening up the administrative machinery, and its place in the general policy of those years is clearly suggested by another fact to be gleaned from judicial proceedings.

In the troubled years of the fifteenth century it became customary for incoming kings to symbolize the continuity of events and their own resolution to preserve strong government by

¹ *Coram Rege* Roll, Trin. 1 Hen. VII, rex. rot. 10. They were armed with 'diuersa signa videlicet Ploughs Rokkes Clowtes Shoes and Wolsakkes ac duo vexilla vocata Standers unum eorum cum signo rubee rose et alterum de le Ragged Staff'.

² *Ante*, xxxvii. 537. A. F. Pollard, *Council, Star Chamber, and Privy Council under the Tudors*.

the issue of writs to the judges vindicating their position as kings *de iure* or against that of their *de facto* predecessors. This made possible continuity in legal proceedings. Henry's writ will be found on the first plea roll of the reign.¹ But a more interesting enrolment occurs on a later roll in the form of a writ of privy seal dated 18 December 1487.² In this Henry pointed out that his predecessors Edward IV and Richard, 'late in dede and not of right King of England,' had issued privy seal writs to surcease proceedings in many cases of murder, treason, riots, and other offences from which escheats, forfeitures, fines, issues, and other profits ought to have come to the Crown. Henry ordered the judges to make out writs to proceed in all such cases 'for such interest and profite as belongeth unto us as in the right of our said crown'.

Here is evidence of Henry's anxiety to master the administrative machinery. And there is also extant—this is much more important—evidence which goes to show that these instructions became more than the expression of a pious hope. Cases prove that some of the outstanding proceedings were revived, and the suspicion is confirmed that 1487, not 1485, is the crucial point in the administrative history of the reign.³ Thus the spirit with which Henry met the political problems of the first three years definitely established his position, and the administrative orders of 1487 were signs of the king's efforts to set the governmental machine in full working order.

Whatever be the truth on these questions, Henry's policy towards Stafford and his party was definite enough. Like all problems of statecraft of that period the rebellion 'was so handled that neither prerogative nor profit went to diminution'.⁴

C. H. WILLIAMS.

¹ Coram Rege Roll, Mich. 1 Hen. VII, rot. 1 d. Noticed in Mr. H. G. Richardson's paper, 'Year Books and Plea Rolls as Sources of Historical Information' (*Trans. Royal Hist. Soc.*, 4th Ser., v, p. 53).

² Coram Rege Roll, Hilary 3 Hen. VII, rex. rot. 7.

³ *Ante*, xl, 79, for one such example, a case which first came before the courts in 1461 and was finally disposed of in 4 Hen. VII. Analysis of the cases heard in the early years of the reign gives suggestive results.

⁴ Bacon, *Henry VII*, 212.

The Seal of the Privy Council

THE importance of an understanding of the origins and functions of the various royal seals has been indicated by many recent students of English administrative history.¹ But while the Great Seal, the privy seal, and the signet have received recognition, it is nevertheless true that much remains to be done in connexion with the employment of seals by the various offices and departments of state. The important place of the privy council in English history has long been apparent, yet the historian, the antiquary, and the collector have been equally neglectful of the privy council seal.² The existence of such a seal can be traced from the middle of the sixteenth century to the present time. And for the last two hundred years, at least, this seal has been necessary for the authentication of every official document issuing from the council.³

The king's council of the middle ages had no fixed and uniform method of authenticating the documents which it issued. In many cases the clerk of the council affixed his signature to the papers which he prepared under the direction of the council.⁴ During the reign of Henry VI the clerks added brief notes indicating that action on various matters was taken by advice of the

¹ In gathering the material used in this paper the writers have received much assistance. Especial thanks are due to his grace the duke of Rutland; Sir Almeric Fitzroy, late clerk of the privy council; Sir H. C. Maxwell-Lyte, late deputy keeper of the Public Records; Mr. Richard Holworthy of London; and Miss Isabel M. Calder and Mr. Ralph G. Lounsbury of Yale University.

² Careful examination of the leading authorities on the constitutional and administrative history of England, and in particular on the council itself, has failed to reveal any discussion of the privy council seal with one exception. Professor E. Raymond Turner, whose attention was first called to the subject by the writers of this paper, has incorporated a brief discussion of this seal in his recently published work, *The Privy Council of England in the Seventeenth and Eighteenth Centuries* (Baltimore, 1927), i. 124-7. Even the students of sphragistic and diplomatic rarely indicate that their attention has been directed to this seal. For example, *The Catalogue of Seals in the Department of Manuscripts in the British Museum*, ed. by W. De G. Birch (London, 1887-1900), lists only three examples of the seal, none of them from the period of its greatest importance.

³ Attention should be called to the fact that the editors of calendars and collections of documents commonly fail to describe the seal under which individual documents are issued. This information is sometimes of such importance that the omission of it impairs the value of the printed work.

⁴ Sir H. Nicolas, *Proceedings and Ordinances of the Privy Council*, vol. i, p. xvii. See also *ibid.* pp. 19-20, 40-41.

council, and naming the councillors present. To such notes the clerks more and more often appended their own signatures.¹ But this form of authentication did not become systematized by regulation until the sixteenth century. In 1547 the council gave the clerks permission to deliver to certain officials copies of acts entered in the register. These copies were to be 'under thand and signe of the saide clerk so delivering the same with theis speciall wourdes in thende "*Concordat ad originali*" [sic]'.² While this probably meant no more than the verification of 'true copies', it indicates a growing recognition of the significance of the clerk's signature. Three years later the privy council ordered that 'lettres shulde be writen to the Treasurers not to paye any warraunt though it be signed by the Counsaill onlesse it be also subscribed with the hande of the said William Thomas clerk of the privy council'.³ From many other examples it is clear that the signature of the clerk had, by the close of the sixteenth century, come to be looked upon as evidence that the document had been drawn up according to the customary form, and also that information (often contained in so-called 'schedules') was authentic.⁴ Similarly, so far as the writers can determine, all orders in council were signed by the clerk. At the present time the signature of the clerk is essential to the validity of orders in council.⁵

The signature of the clerk was not the only way in which council documents were authenticated. For instance, in the second year of Henry VI, there is to be found an example of attestation by the use of the autograph signatures of the council as a body.⁶ That this custom continued is indicated by later documents. The whole council signed the articles and secret articles devised by them as a basis of the treaty of marriage between Queen Mary

¹ British Museum MS., Cotton, Cleopatra F. v, fo. 142; see also Nicolas, *Proceedings and Ordinances*, v. 113, 131; vi. 166, 171, 316, 330.

² J. R. Dasent (ed.), *Acts of the Privy Council, 1547-50*, pp. 11-12. Perhaps the origin of the 'order in council' is to be found in this regulation of 1547, for the document called the 'order in council' is essentially a verified copy of an entry in the privy council register. The development of the order in council as a diplomatic formula deserves more attention than it has received. Its present form dates from the latter half of the sixteenth century. Examples, however, are much more common after 1600.

³ *Acts of the Privy Council, 1550-2*, p. 4. In the following year, 1551, it was determined 'that no lettre nor other writing shuld passe at the Boorde to sygne by them, but that first the same shuld be subscribed by oone of the two Pryncipall Secretaries or one of Clerkes of the Counsell' (*ibid.* p. 500). By direction of the council in 1582, no letter was to be signed by a member of the council unless the clerk had previously signed it (*ibid.*, 1581-2, p. 395).

⁴ A few of these examples are: *Acts of the Privy Council, 1558-70*, pp. 224-5; 1571-5, pp. 84-5, 256; 1577-8, pp. 260-1; 1581-2, p. 41; 1596-7, pp. 251, 414.

⁵ F. W. Maitland, *Constitutional History of England* (Cambridge, 1908), p. 406, note.

⁶ J. F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, 1913), pp. 388-9. A similar example of councillors' autographs may be found on instructions to the Garter King of Arms (12 March, 5 Henry VI, 1427) in Nicolas, *Proceedings and Ordinances*, iii. 259-65.

and Prince Philip of Spain in 1553.¹ There are numerous other examples of councillors' autographs upon letters, warrants, and proclamations of the Tudor period.² But the members of the council signed formal orders in council infrequently, if at all. By the latter part of the seventeenth century such signatures are never found on orders in council. They are, however, always found on letters sent by the council.

Many letters which actually originated in the king's council bore the royal sign manual. The difficulty of distinguishing at all times between sign-manual letters which originated in the council and those coming solely from the king makes it hard to state exactly when the practice of adding the king's own signature or initials to a letter or bill of the council arose. Professor Baldwin states that it began during the reign of Richard II.³ By the time of Henry VI it was common.⁴ It was very frequent during the reigns of the first two Tudors. A form of the royal signature which came into use during the illness of Henry VII was the 'stamp' or facsimile. One such stamp was in the custody of the council, while another was employed by various royal officials.⁵ This practice was followed in the reign of Edward VI. And after the marriage of Philip and Mary, the council ordered that both the king and queen should sign documents and that a stamp should be made of both their names to be used 'for the stamping of suche matiers as shulde be requisite'.⁶

Thus far we have dealt with authentication by signature only. But the majority of the documents which were issued by the authority of the king in council eventually appeared under the familiar royal seals. The advisory character of the council during the middle ages, as well as the frequent variations in its composition and power, retarded the development of a particular council seal. 'Whatever was its personnel,' Professor Tout says of the medieval council, 'whatever the advice it gave, and whether that advice were taken or not, the executive measures necessary to carry it out were, before Tudor times at least, seldom the direct

¹ *Calendar of State Papers, Domestic, 1547-80*, December (?), 1553.

² The following may be cited: British Museum, Harleian MSS. 285, fos. 144, 148; 6989, fos. 85, 87, 88, 97; *Calendar of State Papers, Domestic, 1601-3 (Addenda, 1547-65)*, 1 July 1548; R. P. Steele, *Catalogue of Tudor and Stuart Proclamations*, i (*Bibliotheca Lindesiana*, v), p. lxxxvi and nos. 515, 849, 858, 881, 928.

³ J. F. Baldwin, *The King's Council*, p. 389.

⁴ e.g. Nicolas, *Proceedings and Ordinances*, v. 111, 132, 185-6, 187-8, 421-2; vi. 23, 76, 86-7, 257, 290, 298.

⁵ For discussions of this stamp, see *State Papers, King Henry the Eighth* (1830), i. 628-9 n.; and Sir H. C. Maxwell-Lyte, *Historical Notes on the Use of the Great Seal of England* (London, 1926), pp. 82, 91-2. During the years 1540-2 alone the records of the council contain no less than forty-eight references to the use of this stamp on council documents (Nicolas, *Proceedings and Ordinances*, vii. 7, 11, 13, 24, 27, 43, and *passim*).

⁶ *Acts of the Privy Council, 1554-6*, p. 53.

act of the council. It needed a writ of chancery, of privy seal, of the exchequer, to execute effectively the conciliar act.'¹ In many cases letters from the council bore the signet, affixed by the secretary, whose relations to that body were of the most intimate character.² Similarly the council was a frequent source of authority for documents issuing under the Great Seal. The notes of warranty in the rolls of chancery quite frequently read 'per concilium', 'per ipsum regem et consilium', 'per petitionem de concilio', or some similar words, attesting to the council's authority for the affixing of the Great Seal.³

But the privy seal came more and more to be used to put the acts of the council into execution. Letters to churchmen or lay dignitaries, summonses to appear before the council, orders to the chancellor to issue letters under the Great Seal, and directions to the exchequer to make money payments were commonly given under the privy seal 'de mandato regis per avisamentum consili'.⁴ Indeed, the use of the privy seal became so common that Professor Baldwin declares that 'from the files of warrants for the privy seal alone, if necessary, an extensive register of the acts of the privy council could be reconstructed'.⁵ One must, however, be careful not to regard the privy seal as the special seal of the council.

It remained for certain changes in the Tudor period to prepare the way for the creation of the council seal. During the reign of Henry VIII there took place a movement towards separation of the advisory and administrative functions of the council from those of a judicial character. In part, at least, the former duties came more and more to be handled by the smaller group of officials personally attendant upon the king, while the latter powers were

¹ T. F. Tout, *Chapters in the Administrative History of Mediaeval England* (Publications of the University of Manchester, Historical Series, nos. xxxiv, xxxv, Manchester, 1920), i. 11. See also *ibid.* ii. 147. Professor Baldwin, after describing the use of orders of the king and council to secure action directly by minor officials, says, 'But in the greater number of cases the acts of the council were taken as warrants for official letters either under the great seal or under the privy seal' (*The King's Council*, p. 385).

² Two letters to the bishop of Carlisle, dated 3 July and 14 October 1541, bear, in addition to the signet, the stamp of the royal sign manual and the autograph signatures of the councillors present (Add. MS. 6362, arts. 3. 1). A third letter to the bishop, dated 30 March 1541, though now lacking the seal, is stated to be 'Yeven under our signet'. These letters are printed in Nicolas, *Proceedings and Ordinances*, vii. 208-10, 351, 165-6.

³ The subject of the council warrants for the use of the Great Seal has been thoroughly covered by Sir H. C. Maxwell-Lyte in his recent work, *Historical Notes on the Use of the Great Seal of England*, ch. vii. An analysis of the *Calendar of Patent Rolls* for the two years 7 and 8 Henry IV (1405-7), a period when the council was relatively strong, shows that, according to the notes of warranty, the council was authority for affixing the Great Seal to approximately 10 per cent. of the more than 2,700 documents listed there.

⁴ e. g. Nicolas, *Proceedings and Ordinances*, vi. 27, 74, 159, 208, 258.

⁵ J. F. Baldwin, *The King's Council*, p. 420.

shared by a somewhat more inclusive body of councillors. In time these two groups came to be differentiated as the privy council and the court of star chamber, although it is perhaps true that the separation was purely one of function and not of personnel. To a considerable degree the appointment of a clerk and the beginning of a register constituted the first definite organization of the separate administrative and advisory functions of the council. These steps were taken by an order of the council of 10 August 1540, which provided that

there shuld be a Clerk attendaunt upon the sayde Counsaill to writte entre and register all such decrees determinacons lettres and other such things as he shuld be appoynted to entre in a booke, to remayne always a leger, as well for the discharge of the said councaillors touching such things as they shuld passe from tyme to tyme, as alsoo for a memoriall unto theim of their own proceedings.¹

In this administrative capacity the council ceased to be an almost solely advisory body and acquired a truly executive position. With greater and greater frequency governmental action took place directly upon the council's orders without the interposition of instruments under the Great Seal, the privy seal, or the signet. Conciliar documents, whether letters from the council or orders in council, increased in number during this period; hence it is only natural to find that there was a corresponding development in the formality of sealing them. This culminated in 1555 with the request of the council that it be granted a special seal of its own. Gaps in the records make it difficult to state with certainty that there was no privy council seal before this year. The existing registers of the council prior to 1555 contain no reference to such a seal. Its non-existence might possibly be inferred from the fact that soon after the accession of Edward VI the council ordered a large number of new seals, including the Great Seal, the privy seal, and seals for the duchy of Lancaster, for the king's bench, and for the common pleas, but none for the council itself.² Probably during these transitional years the former methods of attesting conciliar documents continued, that is, by means of the signatures of the clerks, the councillors, or the king, or the royal seals. But by 1555 the administrative and executive functions of the council had apparently become so clearly

¹ Nicolas, *Proceedings and Ordinances*, vii. 3-4. Although there exists a difference of opinion as to the exact interpretation of this order, there is apparently no dispute that at least the beginnings of functional separation are here indicated. Cf. A. F. Pollard, *Council, Star Chamber, and Privy Council under the Tudors*, ante, xxxvii. 337-60, 516-39; xxxviii. 42-60, especially the last section, and E. R. Turner, *The Privy Council in the Seventeenth and Eighteenth Centuries, 1603-1784*, i. 15-66. The appointment of a clerk is, of course, not a new thing. The important point is that a record is commenced of the proceedings of the body of councillors attendant upon the king, out of which group the privy council was slowly evolving.

² *Acts of the Privy Council, 1547-50*, pp. 65, 75-6, 81, 121-2.

established that a separate seal was necessary to secure its instruments and to identify its authority. An entry in the council register under the date 20 May 1555 reads :

It was this day agreed that the King and Quenes Majesties shulde be moved that a Seale shulde be made with theise lettres P. and M., with a crowne over the same, with which Seale all lettres passing this Boorde shuld be sealed, and the same to remayne in the custodie of theldest Clerc of the Counsaill.¹

That this request was granted within a year is evident from a manuscript letter of 9 May 1556, signed by six members of the council and fastened with a seal similar in design to that asked for a year earlier.² This is the first example of the privy council seal that has been found. In view of the importance of seals in general in administrative history, the acquisition by the privy council of a special seal seems extremely significant. It seems, indeed, to be formal recognition of the position and character of the council as an agency of government. From this time onward the existence and use of such a seal has been continuous. This fact is attested both by references to the occasional engraving of such seals³ and by the ever-increasing number of letters and orders in council so sealed from that time to the present which have found their way into the various collections of papers in the Public Record Office and other repositories.⁴

It is worth remarking that the court of star chamber—the council in its judicial capacity—developed no special seal of its own, but continued, as the council of the middle ages had done, to use the Great Seal and the privy seal for its instruments.⁵ This

¹ *Ibid.* 1554–6, p. 130.

² Public Record Office, Exchequer, 117/14/50. We wish to express our gratitude to Sir H. C. Maxwell-Lyte for this and other references which we note below as having been supplied by him.

³ For example, a warrant of 1573 authorizes the treasurer of the chamber to pay to the clerks of the council £4 2s. 6d. for two seals for their office (*Acts of the Privy Council*, 1571–5, p. 101). Another warrant, under date of 1614, was for £4 12s. for a council seal, and again in the same year one is addressed to 'Charles Anthony, graver of his Majestie's seales, to make one Counsell Seale in brasse for Francis Cottington, esquire, one of the clarkes of the Counsell' (*ibid.* 1613–14, pp. 413, 663). The noted engraver, Thomas Simon, made four steel seals for the council in 1660, for which he charged £40 (G. Vertue, *Medals, Coins, Great Seals and Other Works of Thomas Simon* (2nd ed., London, 1780), p. 86, appendix iv).

⁴ Several references to Elizabethan and early Stuart seals are cited below. Among the more extensive series of orders in council bearing the seals of the late seventeenth and the eighteenth and nineteenth centuries in the Public Record Office are : Admiralty 1/5138–5252 (1673–1839); Home Office 31 (18 bundles, 1782–1840); Board of Trade 6/153–169 (1802–36). Scattered throughout the Colonial Office Papers, especially in the various series of original correspondence relating to the different colonies, are hundreds of orders in council. All of those which are originals bear the seal.

⁵ For a discussion of the seals used on instruments of the court of star chamber in the sixteenth and seventeenth centuries, see I. S. Leadam, *Select Cases before the King's Council in the Star Chamber commonly called the Court of Star Chamber* (Selden Society, xvi), pp. xix–xxi.

fact emphasizes the differentiation between the court of star chamber and the privy council.

The design on the seal has undergone a systematic development through the course of three and a half centuries. The council seal, according to the description already given, had, as its principal features, the initials P and M, surmounted by a crown. Around was the legend : VERITAS TEMPORIS FILIA. The first seal used in Elizabeth's reign was somewhat similar, showing the initials E and R, united by a cord and surmounted by a crown, with the legend around : PULCRUM PRO PATRIA PATI.¹ Later in this reign, perhaps in 1573 when two new seals were engraved, the design was radically altered. During the period which followed, two seals were concurrently used, in both of which the Tudor rose was adopted as the central device, a feature which has remained prominent in every council seal from that time to the present. In both seals the rose was supported by a lion and a dragon and was surmounted by a crown between the initials E and R. In one design the letters SIG CON PRI appeared on a scroll below the rose,² while in the other the initials S.C.P. appeared.³ The main features of the two seals, however, were the same ; in fact no important change was introduced until early in the eighteenth century. The council under James I employed two seals like those under Elizabeth, changing the royal initial to I.⁴ Only one design of the seal has been found for the reign of Charles I. In this the initials C and R appeared, and the legend at the base read : S. PRI. CON.⁵ The seals engraved after the Restoration again employed a similar design, the legend on the scroll reading SIGILL. PRIVI. CON. The royal initials were now eliminated, with the result that no new design for the seal was necessary until the Union with Scotland. Then a significant change took place.⁶ In this design of 1707,

¹ Examples of this seal are to be found in *State Papers, Domestic, Elizabeth*, vol. 22, no. 57 (13 April 1562); *State Papers, Domestic, Addenda*, vol. 12, no. 14 (16 July 1564); *State Papers, Ireland, Elizabeth*, vol. 20, no. 73 (3 May 1567), and vol. 21, no. 14 (11 June 1567). For these references and those in the three following notes we are indebted to Sir H. C. Maxwell-Lyte.

² *State Papers, Ireland, Elizabeth*, vol. 68, no. 25 (10 August 1579); vol. 69, no. 49 (5 October 1579); *State Papers, Domestic, Elizabeth*, vol. 228, no. 17 (16 November 1589); vol. 239, no. 60 (28 June 1591); *State Papers, Domestic, James I*, vol. 1, no. 30 (19 April 1603).

³ *State Papers, Domestic, Elizabeth*, vol. 203, no. 40 (11 September 1587); *State Papers, Foreign, Holland*, vol. 23, no. 69 (25 April 1588); vol. 25, no. 48 (16 July 1588); *State Papers, Domestic, Elizabeth*, vol. 229, no. 13 (7 December 1589); vol. 230, no. 1 (2 January 1590); *State Papers, Domestic, Addenda*, vol. 31, no. 143 (8 May 1590); *State Papers, Domestic, Elizabeth*, vol. 238, nos. 22, 23 (31 January 1591); and *State Papers, Domestic, Addenda*, vol. 32, no. 67 (18 February 1593).

⁴ *State Papers, Domestic, Addenda*, vol. 36, no. 70 (16 December 1604); *State Papers, Domestic, James I*, vol. 26, no. 18 (20 January 1607).

⁵ W. de G. Birch, *The Catalogue of Seals in the Department of Manuscripts in the British Museum*, i. 114.

⁶ Examples of the seal employed from 1660 to 1707 include : Connecticut State

which remained in use throughout the eighteenth century, the rose was considerably reduced in size and the Scottish thistle added, branching from a common stem. The royal crown appeared above as before, but the supporters were, from this time on, the lion and the unicorn. The scroll at the base bore the legend SIGILL. PRIV. CONCIL.¹ In 1802, soon after the Union with Ireland, the third important change in the design took place with the addition of the shamrock on a third branch of the common stem, the rose in the centre, the thistle on the left, and the shamrock on the right.² Essentially the same design is still in use, except that the monarch's name and style in Latin now circumscribe the seal.³ The first seal was three-quarters of an inch in diameter. Slight increases in size appeared from time to time until 1707, when the diameter of the seal became fixed at one and a half inches.

So far as can be determined, the seal was always applied *en placard*, as was the royal signet, and never *pendant*. For about a century the common practice was to fasten the flaps of the folded document with wax or shellac beneath the outer layer of paper. The seal was then impressed upon the outside in such a way that the document could not be opened and its contents discovered without destroying the seal or tearing the paper. About the middle of the seventeenth century this method was somewhat changed. The flaps of the document were covered with a red wafer, over which a small square of paper was placed. The seal was then impressed through paper and wafer. Obviously the purpose of this sealing was to ensure secrecy. At the same time the use of the seal for attestation was developing. More and more commonly the red wafer with its paper covering was affixed to the first page of the document in the upper left-hand corner. The seal was then impressed through the wafer, its paper covering, and the first page of the document, so that on the underside of the page is a reverse and indented impression of the seal.⁴ On some

Library (U.S.A.), Connecticut Archives, Foreign Correspondence, vol. i, doc. 14 (28 March 1679); Public Record Office, Colonial Office 137/3, no. 20 (1693); Colonial Office 137/7, no. 26 (26 June 1706).

¹ The first instance of the use of the new seal after the Union with Scotland which we have noticed is on an order in council of 23 June 1707, among the Jamaica Papers of the Board of Trade (Colonial Office 137/7, no. 52).

² Judging from the series of orders in council in Admiralty 1/5196, the new seal was first put into use on 3 March 1802, although two orders dated 12 and 28 October 1801 appear in Admiralty 1/5195 bearing the new seal. However, these were almost certainly sealed several months later than the dates which they bear.

³ *The Catalogue of Seals in the Department of Manuscripts in the British Museum*, i. 114, lists a 'letter seal' of the reign of Victoria which differs radically from the common design in almost every particular. The central device in this case is a shield bearing the royal arms; in the base is a ribbon with the rose, thistle, and shamrock intertwined and the motto: DIEU ET MON DROIT. No indication of the office to which the seal belongs is given by the design. If correctly ascribed to the privy council, this seal presents a striking variation from the designs employed both before and since.

⁴ There was no reverse, the two halves of the matrix being counterparts.

longer documents, such as orders of reference embodying a petition or report, the wafer was placed between two of their pages, without covering paper, and the seal impressed directly on the document, thereby binding the leaves together.

From its institution, the seal was in the custody of the clerk of the council, who applied it or directed that it be applied to the orders or other documents which emanated from the council. When there was more than one clerk, each had a seal.¹ Thus a warrant of 1573 authorized the clerks of the council to buy two seals for their office.² Again, in 1660 Thomas Simon, a royal engraver, made four steel seals for the four clerks of the privy council.³ In spite, however, of the fact that the clerk was the custodian of the seal, this office never developed in importance as did those of the keepers of the other royal seals. The lord chancellor, as keeper of the Great Seal, the lord privy seal as keeper of the privy seal, the king's secretary as keeper of the signet, all developed into administrative officers of the first rank. Why, then, did not the clerk of the privy council, as keeper of a seal used extensively for administrative and executive purposes, come, in time, to be an important officer of state? One reason may be that few precedents of clerical responsibility had developed in relation to the council before the great constitutional struggles of the seventeenth century, dealing with other and more vital matters than the keeping of seals, altered the methods of constitutional development. Another reason, perhaps more important, may be the difference in the position of the clerk of the council in relation to the king. Unlike the chancellor, the keeper of the privy seal, or the secretary, the clerk of the council was never in a direct sense the servant of the king. He occupied a position of responsibility to the collective body of the council, and was in large measure under the direction of the secretary of state. His relation to the council and to a certain extent to the secretary was similar to that which the clerks of the privy seal bore to the lord privy seal. He never became a member of the privy council and never attained independent authority for the use of the seal.

Obviously, the most common and most important use of the seal has been in connexion with orders in council. But the personal authorization of the monarch, either verbally or by his sign manual, was in no way necessary before the clerk affixed the seal. Not

¹ It would seem probable that when, as in the reigns of Elizabeth and James I, there were two seals of different design used concurrently, each would be used solely by one of the clerks. However, neither handwriting, signatures, dates, nor other internal evidence clearly establishes that such was the invariable practice. In later times, when only one design was used, each clerk had an identical seal.

² *Acts of the Privy Council, 1571-5*, p. 101.

³ G. Vertue, *Medals, Coins, Great Seals and Other Works of Thomas Simon* (2nd ed., 1780), p. 86, appendix iv.

only orders of the king in council, but orders of the council in the absence of the king, and letters of the council, have been regularly authenticated in this way. The validity of the seal, independent of the personal sanction of the king, is further borne out by the fact that various letters, autographed by members of the council, to officials either in England or in the colonies, also bore the seal of the privy council. Especially significant in this connexion were the letters from the council notifying officials of the death of the king and the accession of his successor.¹ The committee for trade and plantations, commonly known as the Lords of Trade, which functioned from 1675 to 1696, caused the seal to be affixed to its communications to the colonial governors.² Similarly, after the immediate oversight of trade and the colonies had been transferred to the Board of Trade in 1696, the committee of the whole council regularly attached the seal to its orders or minutes of reference to the new body.³

It remains to be considered how regularly the seal was used on the various types of council documents, and how far it was necessary to establish their validity. At first the seal seems to have been employed mainly to ensure the secrecy of individual documents or packages of documents. Thus, in 1558, on complaint of Lord Ever, captain of Berwick, that his correspondence with the council had been tampered with, that body ordered him to detect and punish the culprit if possible, 'and for the safer sending of lettres unto him from hence, it is signified they shalbe henceforth packeted with thred and sealed with the Counsell Seale'.⁴ Again, in the case of every letter from the council of the sixteenth and early seventeenth centuries which has been found bearing the seal, it was so placed upon the folded document as to prevent examination of the contents without injuring either the seal or the paper. It may be assumed, however, that the seal had some value as definite authentication of the documents to which it was affixed from the fact that in 1596 a certain Walter Pepper, writing from the Fleet to Lord Keeper Puckering, pro-

¹ Privy council to the governor and company of Connecticut, 6 February 1684/5, Connecticut State Library (U.S.A.), Connecticut Archives, Foreign Correspondence, vol. i, doc. 33; Privy council to the governor of Massachusetts Bay, 11 March 1701/2, Massachusetts Historical Society Library, W. 7, b. 52.

² Lords of Trade to the governor and company of Connecticut, 20 April 1696, Connecticut Archives, Foreign Correspondence, vol. i, doc. 54.

³ Of the scores of such orders to be found among the Board of Trade papers in the Public Record Office, the following are typical: order of the privy council committee 23 November 1731, directing the Board of Trade to prepare drafts of certain instructions for the governor of Jamaica, Colonial Office 137/19 (S. 141). Reference by the committee to the board of a petition for the grant of mines in Newfoundland, 20 May 1756, Colonial Office 194/13 (under date).

⁴ *Acts of the Privy Council, 1556-8*, p. 261. In 1578 the evidence against certain Cornish papists was sent to the clerk of the assizes in the West Country in a bag sealed with the council seal (*ibid.* 1577-8, pp. 260-1).

mitted to reveal a plot concerning the counterfeiting of the council seal.¹ Half a century later William Prynne speaks of the certificate of the admission of Archbishop Laud to the privy council as 'His Teste under the Seale of the Councill Table and Sir William Beecher's hand'.² In all probability the invariable use of the seal on orders and letters of the council was a procedure of gradual development, practised for some time before being recognized as a necessary form.

In spite of the absence of any definite regulation requiring the use of the seal, it seems certain that by or before the middle of the seventeenth century it had become the regular practice to affix the seal to all council documents. Although it may be that letters were occasionally sent without the seal, no satisfactory evidence has been found of the substitution of any other royal seal on letters or orders of the council after the close of the fifteenth century.³ It also seems clear that before the end of the seventeenth century the seal of the privy council had come to be regarded as necessary to the proper authentication of all orders and letters of the council. There is evidence of this from several colonial sources. As early as 1682 the Lords of Trade criticized the Jamaica assembly for trying to force the confirmation of an act of that island under the Great Seal 'instead of the seal of the council'.⁴ An indirect

¹ *Calendar of State Papers, Domestic, 1595-7*, p. 185.

² William Prynne, *A Breviat of the Life of William Laud* (London, 1644), p. 10.

³ In his recent work, *The Privy Council of England in the Seventeenth and Eighteenth Centuries*, i. 125, Professor E. Raymond Turner has stated that 'council papers went out, it would seem, under one seal or another and also without seal'. In support of this position he has cited (pp. 126-7) various letters written by the council during the years 1600-18 which are calendared in *The Manuscripts of His Grace the Duke of Rutland* (*Hist. MSS. Comm. Report*, xii, appendix, part iv, pp. 361, 382, 383, 387, 405, 454). The editor of the calendar has made no mention of a seal in two of these cases, but has indicated in connexion with the other four that the original bore a 'signet'. Professor Turner has inferred that the former documents were unsealed and that the latter bore the royal signet (in the custody of the secretary of state). But that the word 'signet' was used in this calendar in the less technical sense of any small seal is amply clear from an examination of the rest of the volume, where the word is frequently employed in connexion with private letters by individuals to which the royal signet would never be attached (e. g. pp. 66, 98, 142, 354, 387, 436). This broader meaning of the word has been confirmed by the editor of the calendar, Sir H. C. Maxwell-Lyte, in a letter to one of the writers. Furthermore, the failure to mention a seal is no evidence that a given letter was originally unsealed. In settlement of these questions his grace the duke of Rutland has most kindly consented to examine some of the original manuscripts in this collection, and has furnished a list of ten documents of this period all of which bear the privy council seal (Belvoir MSS., vol. xiii, fos. 126, 203, 252; vol. xiv, fos. 92, 107, 153, 162; vol. xv, fo. 31; vol. xvi, fo. 100; vol. cii, QZ/2, fo. 65). Nine of these are designated in the printed calendar as bearing a 'signet', and the other carries no reference to a seal. Three are among those cited by Professor Turner as evidence of the use of other seals or of no seal on conciliar papers (Belvoir MSS., vol. xiv, fo. 153; vol. xv, fo. 31; vol. xvi, fo. 100; *Hist. MSS. Comm. Report*, xii, appendix, part iv, pp. 387, 405, 454). It is clear, therefore, that the printed calendar cannot be taken as evidence of the use or omission of seals on letters from the council.

⁴ *Calendar of State Papers, Colonial, America and West Indies, 1681-5*, par. 760.

indication of the authority with which the seal was regarded at about this same time is shown by the act of the inhabitants of the town of Braintree, Massachusetts, in 1683, in refusing to receive the bearer of an unwelcome order in council, defying him to prove the seal to be that of the council, and declaring 'that it might be made under a hedge for all they knew'.¹

More conclusive evidence is found in a Virginia case of 1710. In a letter addressed to the Board of Trade, Alexander Spotswood, lieutenant-governor of that province, stated that he had not proclaimed the disallowance of a certain provincial act because the order in council relating thereto had not been transmitted to him in proper form. His only warrant consisted of a copy of the original order, attested by the secretary of the Board of Trade. The Virginia council had unanimously advised the governor that this was not sufficient authority for proclaiming the disallowance, and that there had never been any proclamation issued either confirming or repealing an act of Assembly, except where her Majesty's pleasure had been signified under her Sign Manual and Signett, or by order of her Majesty in her Privy Council, and under the Seal of that Office.²

To this letter the Board of Trade replied that Spotswood had acted prudently in not proclaiming the disallowance without 'an original order from the Council Office' and that they would take care to send him one at the first opportunity.³ When this arrived, several months later, the governor proclaimed the disallowance.⁴ Although it is nowhere stated that this 'original order' bore the council seal, the implication that it did seems clear enough. Among the scores of original orders in council for the confirmation or disallowance of colonial laws which the writers have examined, not one has been found which lacked the seal.

Another case occurred ten years later. Governor Lowther of Barbados wrote to the Board of Trade that he believed an order of council relative to a dispute between himself and a certain clergyman of that island had been tampered with, since

one of the pieces annexed to the Order of Council of the 12th of March, 1718, is in French, of a different kind of paper from all the other annexes, has no imprint of the seal upon it, and is dated eight days after the said

For this reference we are indebted to Miss Isabel M. Calder of Yale University. Miss Calder has also kindly examined for us documents in the Public Record Office.

¹ *Calendar of State Papers, Colonial, America and West Indies, 1681-5*, par. 1620. Reference from G. L. Beer, *The Old Colonial System*, pt. i, vol. ii, p. 310, note 3.

² Spotswood to the Board of Trade, 18 August 1710. *The Official Letters of Alexander Spotswood*, i. 9 (in Collections of the Virginia Historical Society, new series, i); *Calendar of State Papers, Colonial, America and West Indies, 1710-11*, par. 349.

³ Board of Trade to Spotswood, 26 October 1710, Colonial Office 5/1363, p. 219; *Calendar of State Papers, Colonial, America and West Indies, 1710-11*, par. 449.

⁴ *Spotswood Letters*, i. 110; see also *Calendar of State Papers, Colonial, America and West Indies, 1706-8*, par. 863; 1710-11, pars. 755, 804.

order of the 12th of March, all of which do most clearly demonstrate, that it was criminally annexed thereto.¹

Although the return of Lowther to England soon after writing this letter prevented any reply from the Board of Trade, which might have made the matter clear, the letter is not without interest as indicating the importance which was attached to the privy council seal in determining the authenticity of a document. Finally, examination of a very large body of original documents issued by the council during the seventeenth and eighteenth centuries, deposited in the Public Record Office or in the archives of former British colonies, has disclosed no single example which failed to bear the seal or at least to show evidence of having originally borne it.² It would seem, therefore, to be established that the seal was generally recognized as an indispensable symbol of the authenticity of the documents upon which it appeared.

It seems clear that the general use of the council seal upon all documents issuing from the council came, not as a consequence of regulation, but as a result of long-continued custom arising from the fact that it was convenient thus to assure as completely as possible the inviolability of such documents. In time the use of the seal became more formal, and instead of literally 'sealing' the contents, the seal was impressed upon the face of the document as a form of authentication. Administrative custom later became legal necessity. Certainly by the middle of the seventeenth century, and perhaps much before that date, the seal had come to be affixed to all orders and letters emanating from what was, in theory at least, the highest executive body in the kingdom, and by the end of the century had come to be regarded as an essential proof of their validity. The seal of the privy council must therefore be added to the list of royal seals which have played important parts in English administrative history.

LEONARD W. LABAREE.

ROBERT E. MOODY.

¹ Lowther to the Board of Trade, 29 March 1720, Colonial Office 28/15, no. 91.

² This statement should not be taken as applying to 'true copies' of orders in council, attested by the clerk, which never bore the seal.

Notes and Documents

Extracts from the Historia Aurea and a French 'Brut' (1317-47)

IN the course of the fourteenth century original and contemporary chronicles more and more gave way to second-hand compilations. The most important were the 'Brut' and the *Polychronicon*, but less known works of the same kind survive in large numbers, and have not been well explored.¹ Much information is to be gleaned from them, and it is difficult to see how it can be printed except in disjointed extracts. Some samples of this material are printed below. They are taken from two manuscripts: the *Historia Aurea* of John, vicar of Tynemouth, an exact contemporary of Ranulph Higden, and an anonymous French 'Brut'. There is no connexion between the manuscripts. They both, however, deal with the first half of the fourteenth century; nor is it likely that either will ever be printed in full.

I. The *Historia Aurea*, which ends in 1347, has never been edited; but a much altered version of the years 1327-46 is in print as a continuation of the chronicle of Walter of Hemingburgh.² The most important differences between the printed version and the three manuscripts of the chronicle have been already printed by the present writer.³ Below will be found: ⁴ (a) such portions of the last two years of the *Historia Aurea* (1346 and 1347) as have not already appeared in print; (b) a few extracts from the reign of Edward II; these relate chiefly to Border affairs, apart from which the account of this reign contains little that is of value.

¹ Not only do the French, English, and Latin 'Bruts' differ among themselves; the manuscripts of each vary as well. The same is true to a lesser extent of the *Polychronicon*, to the two recognized versions of which a third (it is suggested below) must be added. If the differences in the continuations of the *Polychronicon* be added, the variations are greater still.

² *Chronicon domini Walteri de Hemingburgh*, ed. H. C. Hamilton (English Historical Society), ii. 297-426. The Hemingburgh continuation stops short in the middle of 1346.

³ *Essays in History presented to R. L. Poole*, ed. H. W. C. Davis, p. 396.

⁴ Printed from Lambeth MS. 12, collated with Bodleian MS. 240. I should like again to express my thanks to his grace the Archbishop of Canterbury, for facilities granted me in using this manuscript, and also to Rev. Claude Jenkins, Lambeth Librarian.

The main source of the *Historia Aurea* was undoubtedly the C, D or shorter (and earlier) version of the *Polychronicon* which ends in 1327.¹ A more complete comparison of the two works would doubtless qualify this statement; but the task, should any one attempt it, would be a very heavy one, for large as the *Polychronicon* is, the *Historia Aurea* is at least nine times larger. The compiler seems to have silently absorbed the greater part of the *Polychronicon*, and, using this as an historical framework to have very greatly increased the size of the chronicle by working in large portions of his *Sanctilogium*, or collection of the lives of British saints. At the same time the seven books into which the *Polychronicon* was divided were increased to twenty-three. The new arrangement and the new material at first sight disguise the extent of his borrowing from Higden. It is really very great, especially in the earlier books. From the Norman Conquest onwards he was, or was thought by contemporaries to be, less dependent on Higden. Sir Thomas Gray, for instance, in the introduction to his *Scalacronica* makes the sibyl say that Higden is the proper source up to 1066, and the *Historia Aurea* afterwards.

There is another interesting sign of the value contemporaries attached to the later books of the *Historia Aurea*. Having used the *Polychronicon* as its chief source, the *Historia Aurea* in its turn became the source of a new version of the *Polychronicon*. Very early—probably within the lifetime of both authors—what must be classed as a third distinct type of the *Polychronicon* was compiled from it. A characteristic and early example is Harley MS. 655. At the first glance, it is plain that this manuscript is at least three times the size of the ordinary *Polychronicon*. This struck Wanley, who described it thus :

Polychronica Ranulphi monachi Cestrensis; exemplar pervetustum, a coetaneo ejusdem Ranulphi exarata; et tot novis additionibus omni pene pagina, et interpolationibus referta, ut integro ferme dimidio auctor, novum quasi opus recte censi possit.²

Without pretending to have collated these manuscripts, I think it safe to say that Harley 655 is a largely expanded C, D version of the *Polychronicon*, adding large selections from the *Historia Aurea*, especially from the valuable later books. It is, in fact, an attempt to combine the peculiar virtues of the *Historia Aurea* with those of the original *Polychronicon*: the simple division into seven books and its more manageable size. Nor is Harley 655 an isolated manuscript. Other examples are Cambridge University

¹ The later A, B version, which extends to 1342, was apparently unknown to John of Tynemouth, for the *Historia Aurea* is quite independent of the *Polychronicon* from the year 1327.

² *Catalogue of the Harleian MSS.* (1808), i. 398. Its peculiarities were simply ignored by the editors of the *Polychronicon*.

Dd. viii. 7, Royal MS. 13 E. 1,¹ Balliol College 236, and University College, Oxford, 177, the sister manuscript to Harley 655.² Doubtless there are many more. There is no need to assume that either Higden or John of Tynemouth had any personal share in this compilation. Copies of the *Polychronicon* were multiplied very quickly, and there is little doubt that the majority were secular and professional productions, turned out commercially. The result of such reciprocal borrowing, in this as in so many other instances, was a hybrid chronicle. The commonness of this practice, it need hardly be said, lies at the root of our difficulties in disentangling the chronicles of the period.

For the later part of the *Historia Aurea* (1307-47), which it has been possible to examine more closely, many chronicles have been used. It contains, first, nearly all the *Polychronicon* from 1307 to 1327, sometimes with the puzzling addition of details not found in the source. One of these is important. Higden says that Earl Thomas left 'cuncta agenda sua ad nutum unius hominis secretarii sui'. Was this, Professor Tout has asked,³ John Bek or Robert Holland? The *Historia Aurea*, which is word for word with Higden at this point, adds the name 'scilicet Roberti de Holand'.⁴ Apart from Higden, the chronicle is not very like any surviving work, though single passages can sometimes be traced. There is, for example, the long description of the truce with Scotland in 1322, which is found in the Lanercost chronicle.⁵ Another passage, the account of Queen Isabella's return in 1326, agrees closely with the French chronicle of London;⁶ and still another has much in common with Trokelowe's *Annales*.⁷ These instances are enough to show that the *Historia Aurea* is a careful compilation from many sources. The account of Border history is, as we should expect, in close general agreement with the *Scalacronica*. The extracts here printed bear out Gray's claim to have used it as a source, but most of the common entries mention details not found in the *Scalacronica*. In these passages there is ample proof of the northern origin of the *Historia Aurea* and the Tynedale interest, whether they are original or are taken from some lost northern history.

¹ *Catalogue of Royal and King's MSS.* ii. 111, notes the likeness to Harley 655 and their common variation from the normal *Polychronicon*, without detecting the origin of the new matter.

² My friend Mr. R. A. B. Mynors, to whom I owe most of these examples, tells me that Cambridge Univ. Dd. viii. 7 and Balliol 236 (identical in text) represent a much more advanced stage of this process than the others. Univ. Coll. 177 resembles Harley 655 in appearance very closely, but obits, &c., from the history of Barnwell are added in the margin.

³ *The Place of the Reign of Edward II in English History*, p. 72 n. 2, quoting *Polychronicon*, viii. 314.

⁴ Lambeth MS. 12, fo. 227^v, col. 1.

⁵ *Chronicon de Lanercost*, 248, 249.

⁶ *Infra*, p. 211. The *Historia Aurea* gives the full text of Isabella's second letter to the city of London, which is not found in the French chronicle.

⁷ *Infra*, p. 208.

In contrast with the trivial details of local raids and chronic disorder in Edward II's reign is the narrative of the last two years (1346-7) of the chronicle, which are not included in the continuation of Hemingburgh. To a large extent the compiler duplicates information already printed in Robert of Avesbury and Murimuth. Thus the narrative of the battle of Crécy duplicates Murimuth, apart from the interesting account of Edward III's attempts to prevent excesses by his troops. Quite new, however, is the good description of one of Thomas Dagworth's skirmishes in Brittany, which is not found elsewhere.¹ This was perhaps the first time the French men-at-arms followed the new English practice and fought on foot. There are two or three other vivid touches about military tactics, e.g. the definition of hobelers, 'viri in equis non bene armati, fortes tamen et validi';² and the great stand made by the *armati* at a critical moment during the battle of Neville's Cross.³ Attention may also be called to the interesting statement that Edward III's letter to the pope in 1347 marks the first use of French in the correspondence of the two powers.⁴

II. Two extracts are printed from MS. 78 of Corpus Christi College, Oxford,⁵ a small fourteenth-century copy of the French 'Brut', coming down originally to 1307. To this two continuations have been added, the first covering the reigns of Edward II and III in a fourteenth-century hand, the second from 1377 to 1397, of the next century. Of these, the account of Edward II's reign is alone of original value. In the first extract, the writer, who is a strong royalist, tries to clear the king's memory regarding Thomas of Lancaster's death, for which he seems to blame Hugh Despenser. The second describes the last sufferings of Edward II and the fate of Thomas de Gournay, the chief of his murderers. The flight, capture, and death of Gournay have perhaps received more atten-

¹ *Infra*, p. 213.

² The main point about a hobeler was that he rode an 'unbarded' horse, i.e. that he left the horse behind when he went into battle. Tenure by the service of a hobeler was a common form of sergeantry, and Mr. Stamp, the Deputy Keeper of the Public Records, has pointed out to me that in some of the *Inquisitiones post mortem* his precise equipment is set out. Thus Chinting (co. Sussex), which was held by the service of a hobeler (*Cal. Inq. post mortem*, ix, no. 221), supplied 'a man with unbarded horse, with haqueton, hauberk, sword and knife' (*ibid.* v, no. 327). Bradford in Northumberland found 'a man armed with haqueton, hauberk, basinet, lance and knife (cuttell) upon an unbarded horse' (*ibid.* vi, no. 12; cf. vi, no. 141): West Titherley (co. Hants), 'a horseman with an unbarded horse, and armed with a haqueton, hauberk, basinet, lance, sword and long knife' (*ibid.* vii, no. 535; cf. viii, no. 334). They were distinguished from the *armati* by the absence of a 'covered' horse. Cf. Morris, *Welsh Wars*, p. 83; Morris, 'Mounted Infantry in Medieval Warfare' in *Trans. Roy. Hist. Soc.*, 1914; Oman, *Art of War*, ii, 119, 127; Wrotesley, *Crécy and Calais*, p. 3.

³ *Infra*, p. 214. Cf. E. M. Thompson, *Chronicon Galfridi le Baker*, p. 88.

⁴ *Infra*, p. 213. n. 1. Cf. Maxwell-Lyte, *Historical Notes*, p. 238.

⁵ I am much indebted to Dr. Grundy, Librarian of Corpus, for kindness shown me in consulting the college MSS.

tion from historians than the subject is worth ;¹ but the evidence of this chronicle has been overlooked, though the relevant passage was printed as long ago as 1878.² The bearing of it, it will be seen, is to cast doubt upon the accuracy of the generally accepted story.

In the first place, it clears up a difficulty regarding the text of Adam Murimuth's chronicle. A single manuscript³ states that Gournay was captured 'ad procuracionem cuiusdam domine de Anglia'. The others read simply 'in partibus transmarinis' and have been generally preferred.⁴ But it is plain that Nero D. x is right. The lady was Isolda de Belhous who, we know from the Patent Rolls, had a protection while going on pilgrimage to Santiago in the early part of 1331.⁵

The complicated story of Gournay's escape and the itinerary of the various messengers sent to recapture him have been worked out by Joseph Hunter⁶ with great ingenuity from the claims for expenses put in to the exchequer by the messengers on their return. Hunter's object was, generally, to show that Murimuth's account was valueless, and in particular to disprove his statement (copied by Geoffrey le Baker) that Gournay was beheaded at sea when he was being brought back to England.⁷ He showed that Gournay was ill before he reached Bayonne ; that his captors spent large sums on medicines for him ; that his dead body was embalmed at Bayonne and then put on a ship for England. He concluded that he died a natural death at Bayonne. The 'Brut' chronicler suggests a means of reconciling Hunter's evidence with Murimuth. There was evidently a strong rumour that he had not died a natural death ; and Professor Tout has already suggested⁸ that it was perhaps Gournay's dead body that was beheaded. In the absence of positive evidence of a natural death and in the light of the new and independent evidence of the French 'Brut', it seems a reasonable deduction that, sick though Gournay was, he was actually beheaded alive by Oliver de Ingham.⁹ The motive—the fear that Gournay might after all live to get a pardon—is at any rate a plausible one.¹⁰ V. H. GALBRAITH.

¹ *Archaeologia*, xxvii (1838), 274-97 ; T. F. Tout, *The Captivity and Death of Edward of Carnarvon* (1920), p. 37.

² By the late Paul Meyer ; see *infra*, p. 217 n. 2

³ Cottonian MS. Nero D. x.

⁴ *Chronicle of Adam Murimuth* (Rolls Series), p. 54.

⁵ *Cal. Pat. Rolls*, 1331-4, 7 (3 Feb. 1331).

⁶ In *Archaeologia*, xxvii.

⁷ Murimuth, *loc. cit.* : 'ne forte magnates et magnos prelatos et alios de Anglia de consensu et connivencia mortis regiae accusaret.'

⁸ Tout, *loc. cit.*, p. 37.

⁹ *Archaeologia*, xxvii. 293 : 'Item cuidam garcioni eunti senescalco Burdegalie in precio ij florenorum—vi s. viii d.' It is plain from this entry in Thwing's account that at least Oliver de Ingham was aware of the party's presence at Bayonne.

¹⁰ Quite apart from the subject, Hunter's article is remarkable as an example of historical method far in advance of his time. He was one of the first to realize the possibilities of record evidence as against that of chronicles. Indeed, the avowed

I

Lambeth MS. 12.¹

1317

- f. 225v, Circa ² festum sancti Gregorii ³ comes de Arundel custos Northimbrie
col. 2. et Marchie per regem deputatus, congregato exercitu 30 milium virorum,
una cum comite de Athels et Henrico de Bello Monte ac aliis, magnatibus
f. 226. Scotorum maioribus Hiberniam tunc debel/lantibus Scociam quasi viribus
destitutam est ingressus et versus Linteele,⁴ ubi Iacobus Douglas municione
quadam cum 200 viris moram traxit, profectus est. Audito autem eorum
adventu Iacobus locum vacuum dimittens fugam iniit. Locum vero illum
schaualdus⁵ quidam nobilis clericus Helias dictus cum 30 consociis intrans
victualibus multis repertis se laute saciavit. Sed Iacobus, Anglorum com-
perta desidia ad dictum locum appropriare minus curancium, resumpta
audacia municionem intravit: desecto capite Helie et facie ad anum
inhumane locata reliquos gladio iugulavit. Deinde vero exercitum Anglo-
rum minus provide se gerentem animose aggreditur et Thomam Riche-
mundie⁶ militem quemdam nobilem valide resistentem interfecit.
- col. 2. Circa festum sancti Martini⁷ Goscelinus Deyvile miles cum Roberto
fratre suo, Iohanne Page, et aliis circiter 200 cucullas fratrum Rivallensium
capella grisea et calciamenta corrigiata deferentibus fratres conversos
barbatos se fingentibus maneria episcopi Dunelmensis de Alverton et
Redham fossis largis circumducta est ingressus: qui se patriam tueri
velle mencies plures de terra ceperunt patriamque rapinis multipliciter
vexarunt. Comperta tandem ac divulgata eorum nequicia 3^o die post
capcionem Gilberti predicti⁸ per vicecomitem Eboracensem,⁹ Nicholaum
Menil, et Symonem Warde milites in manu fortis sunt obsessi. Sed Goscelinus¹⁰
una cum Iohanne Page¹¹ per medium obsidencium noctanter vix evadente
omnes capiuntur et apud Eboracum plures quam 40 suspenduntur.

object of his paper (ignoring his slightly malicious demonstration of the faults of the then new edition of Rymer's *Foedera*) was to denounce the writing of history from chronicle sources. The precise fate of Gournay (on which Hunter's argument really turns) has thus something more than mere academic interest.

¹ References are given to the contemporary, and only, foliation; ff. 228-30 are numbered twice over, and the references to these folios below are to the second folios so numbered, those in *heavy* arabic numerals.

² See *Scalacronica* (Maitland Club, ed. J. Stevenson), p. 143; John Barbour, *The Bruce* (E. E. T. S.), xvi, ll. 331-488.

³ 12 March.

⁴ In Jedburgh parish, co. Roxburgh.

⁵ *Scalacronica*, p. 147; *J. de Trokelowe, &c.* (Rolls Series), p. 99.

⁶ Of Burton Constable, co. York (Bain, *Cal. of Docs. relating to Scotland*, III, xxv).

⁷ 11 November.

⁸ The outrage upon the cardinals and the capture of Gilbert de Middleton have been described in an earlier paragraph. The account says that after the capture of the cardinals, Gilbert, 'altiora machinans et impossibilia temptans', assumed among his followers (*transfugis, homicidis et Scotis*) the title of duke of Northumberland; made a treaty with the Scotch and invaded Richmond and Cleveland, returning with large spoils to the castle of Mitford. He was eventually taken, about the feast of St. Thomas, by William de Felton and Thomas de Eton, helped by members of his own household, and carried by Simon de Driby on a ship to London. Cf. *John de Trokelowe* (Rolls Series), pp. 100, 101.

⁹ Nicholas de Grey.

¹⁰ Hanged after the battle of Boroughbridge (*Chronicles of the Reigns of Edward I and II* (Rolls Series), ii. 78).

¹¹ Hanged after the battle of Boroughbridge (*Flores Historiarum* (Rolls Series), iii. 207).

1318

Circa in/vencionem sancti crucis ¹ Scoti cum magno exercitu Angliam f. 226^v.
 ingressi Northimbrie et episcopatu Dunelmensi pro maxima redempcione col. 1.
 parcentes obsidibusque datis treugas concedentes Richemundie comitatum,
 Cleveland, Alvertonschir' depopularunt villamque de Alverton ² totaliter
 combusserunt. In redeundo vero per partes Anglie occidentales apud
 Gratirhals locum quemdam strictissimum a multitudine Anglorum sunt
 aggressi, sed prevalentibus Scotis Angli disperguntur, et quampluribus
 occisis Henricum ³ filium Hugonis militem necnon milites multos et
 scutiferos secum ducentes captivos cum gaudio ad propria remearunt.

Hoc tempore gentes de Northtindale regem Anglie eiusque fidem
 deserentes regi Scocie se totaliter subdiderunt, ⁴ vicinos suos Northim-
 brenses inhumaniter tractaverunt, bona eorum depredantes captivos ab-
 duxerunt. Mulieres quoque more bellancium equitantes quod viri non
 curabant ut puta lanam et linum et huiusmodi rapientes asportabant. Rex
 vero Scocie Robertus terram illam de Northtindale Philippo Moubray
 militi contulit qui prope capellam de Foustan ⁵ presidium quoddam sibi
 firmavit et Ricardus de Middilton, ⁶ frater Gilberti predicti, in monte quodam
 Ousti dicto iuxta Werk in Tindale aliam sibi construxit municionem : sed
 cito post captus Londoniasque adductus, trahitur, suspenditur, decollatur
 caputque super portam de Newegate London' est affixum.

Circa advincula ⁷ sancti Petri burgenses Berewici cum Waltero de
 Goswik, tunc maiore, per urbis custodes a rege deputatos plurimum vexati
 ville custodiam a rege datis obsidibus Rogeroque de Horsley ⁸ milite ad
 castri regimen per regem deputato cum instantia pecierunt et optinuerunt. ⁹
 Quo audito Iacobus Douglas plurimum exhilaratus, sperans ville ingressum
 per prodicionem qualemcunque sibi patere facilius, processu temporis
 quemdam regis servientem Petrum de Spalding nominatum in custodia
 ville a civibus retentum per se suosque Iacobus promissis 800 libris ut
 ferebatur ita corrumpit quod nacto tempore opportuno circa festum Annuncia-
 tionis ¹⁰ Beate Marie in parte muri custodie sue deputata Scotos intromisit.
 Qui diluculo apertis portis Iacobum Douglas signum inter eos conductum
 de foris prestolantem intrare fecerunt. Qui quidem Iacobus cum tanta
 cordis hilaritate ac leticia villam est ingressus ¹¹ quod iocundius affectuo-
 siusque urbem / quasi eciam paradisum ut ferebatur se intrare asserebat ; col. 2.
 cuncta reperta spoliaverunt, resistentes trucidarunt, ceteros in carcere cap-
 tivos detinentes. Adveniente quoque rege Roberto viriliter qui intus erant
 resistentibus castrum fortiter oppugnarunt. ¹² Cumque parum proficerent ¹³

¹ 3 May.

² Northallerton, co. York. See *Letters from Northern Registers* (Rolls Series), p. 274.

³ Keeper of Barnard's Castle, co. Durham, in 1317 (*Cal. Close Rolls*, 1313-18, p. 416).

⁴ *Letters from Northern Registers*, p. 285. ⁵ Falstone, co. Northumberland.

⁶ Captured at Redpath in Tindale in February 1317 and brought to Edward II
 (Bain, *Calendar*, iii, no. 539). ⁷ 1 August.

⁸ *Scalacronica*, p. 144, *Roger de Horsley, le chasteleyn, perdy illoeqs le un oyl dun sete* :
 cf. p. 148.

⁹ Custody of the town of Berwick committed to citizens (*Cal. Close Rolls*, 1313-18,
 pp. 506, 538) : citizens' goods seized after its capture (*ibid.*, pp. 539, 550) : hostages
 released (*ibid.* 1318-23, p. 148).

¹⁰ 25 March.

¹¹ Bodl. 240, p. 553, col. 1, *expugnavit*.

¹² 28 March 1318.

¹³ Bodl. 240, *loc. cit.*, *proficeret*.

rex Scocie municionem diu detineri non posse perpendens dimisso insultu castrum inedia et fame in brevi subiugandum se prosternere nolle asserebat. Inclusi denique fame laborantes bonis eis salvis et vita castrum reddiderunt. Petrum quoque de Spalding in petitione pecunie sibi promisse Scotis obnoxium, machinata contra eum super morte regis Scocie prodicione, morti tradiderunt. Robertus vero rex muros et propugnacula plurimum exaltavit et castrum reparavit et munivit.¹

1313

Eodem anno castrum de Edinburgh per prodicionem Petri Libaut² militis Vasconici generis custodis eiusdem Scoti ceperunt.³ Angli tamen ad custodiam deputati viriliter restiterunt, quorum quidam scutifer Hugo de Wittoun vocitatus laude et fama eterna dignus amissis in pugna tibiis super genua stans aliquos occidit et plures letaliter vulneravit.⁴ Sed frustra, prevalente enim Scotorum multitudine et dicto Petro cum suis fautoribus in camera incluso omnes aut capti aut gladio sunt interempti, castrumque ab olim tam famosum usque ad solum est prostratum. Petrus vero Libaut 500 marcas terre pro sua sperans prodicione apud eos cum suis est moratus: sed in brevi machinata contra eum prodicione super regis Scocie morte captus in carcere miserabiliter vitam finivit. Et iuste quidem, tum quia rex plurimum eum dilexerat et multipliciter ditaverat, tum quia locuplex nec indiguerat: asserebant enim sui 10 milia librarum argenti eum in castro congregasse.

1319

Circa mensem Augusti rex Edwardus exercitu congregato Berewicum obsedit et, nisi pacis perturbatores inter ipsum et comitem Lancastrie Thomam discordiam seminassent, urbem ut dicebatur proculdubio subiugasset. Ibi enim pestis sive lues animalium prius est audita. Omnes revera fere curruum boves ad obsidionem ducti subito quasi moriebantur. Scoti vero maximo congregato exercitu Anglorum exercitum tangere non audentes Angliam intrarunt; Northimbriam, episcopatum Dunelmensem, et Alvertonschir⁵ depopulantes usque Burghbriggae pervenerunt; set episcopo Heliensi f. 227. tunc cancellario populo undique convocato, set / eorum adventu non expectato minus provide cum archiepiscopo Eboracensi et urbis Eboracensis maiore abbatibusque sancte Marie et Seleby necnon monachis, fratribus, sacerdotibus multis cum pluribus de civitate et aliis iuxta Miton' super Swalam⁵ Scotis obviante comperto eorum adventu inordinato in prato

¹ This account agrees substantially with that of the *Scalacronica*. See Bain, *Calendar*, iii, xxv, and nos. 607, 668.

² *Scalacronica*, p. 140. A Gascon knight, called sheriff of Edinburgh by Gray. Put to death by Robert Bruce.

³ 14 March 1313. Wrongly attributed to the same year as the capture of Berwick by all manuscripts of the *Historia Aurea*.

⁴ Cf. the Ballad of Chevy Chace:

For Witherington needs must I wayle
as one in dolefull dumpes
For when his leggs were smitten of
he fought upon his stumpes.

Child, *English and Scottish Ballads*, has found precedents for 'fighting upon stumps' in the sagas, in Seneca, and even among the Indians (iii. 310, iv. 502, v. 244, 298). But none is so near home as this, or so well attested.

⁵ Cf. *Letters from Northern Registers*, pp. 292, 294, 295.

quodam inter feni cumulos Scoti plures absconditi Anglicos more ludencium non bellancium incomposite et prepropere currentes fluviumque Swale transeuntes invaserunt, fugientibus vadum precluserunt, quamplurimis submersis 2100 gladio perierunt. Et nisi noctis foresteque de Galtris presidio protecti fuissent, vix aliqui manus illorum evasissent. Rex Anglie dimissa obsidione Berewici contra Scotos in Angliam processit: set Scoti per partes occidentales cum spoliis innumeris et captivis illesi revertentes per duos fere annos sequentes marchiam ad libitum sine resistente intrarunt, Northimbriam, Tindale, Redisdale usque Novum Castrum cede, incendiis et rapinis devastarunt.

1326

Circa ¹ hunc annum Willelmus de Soulis, Patricius de Grame, David *f.* 228, de Wimes, Philippus Moubray, ² Mardocus de Meneteth, et plures alii nobiles *col.* 2. Scocie contra regem Robertum conspirantes per Mardocum predictum sunt accusati, quorum quidam tracti sunt et suspensi. Alexander vero Moubray in Angliam fugiit; ³ cuius rei gracia Mardocus factus est comes de Meneteth.

Hoc anno in Advincula sancti Petri, Rogerus de Mortuo Mari iunior dudum cum avunculo suo London' incarceratus per pocionem ut ferebatur sompnium provocantem turris custodibus habundanter ministratam de turri per cordas evasit et iunctus est regine in partibus transmarinis.

Hoc anno regina Anglie cum Edmundo comite Cancie fratre regis et primogenito suo Edwardo 3^o, Rogero de Mortuo Mari, necnon parva manu Hunaldorum mensi Septembri Angliam in Estsexia apud Herewiche applicuit, ubi et civibus Londoniarum litteras scripsit quatinus ad proditorum regni destructionem populi que protectionem manus sibi porrigerent adiutrices litterasque voluntatem eorum declarantes remitterent sine mora. Cives autem regem consiliariosque suos formidantes responsum vice illa mittere omiserunt. Regina vero cum filio suo litteram patentem utriusque sigillo signatam super crucem in medio London' ac eiusdem copiam super diversas fenestras in aurora diei Iovis in festo sancti Dionisii affigi fecit; ⁴ cuius tenor in Gallico talis fuit: 'Ysabella ⁵ dei gracia regina Anglie domina Hibernie comitissa Pontunii et nos Edwardus primogenitus regis Anglie dux Aquitanie comes Cestrie Pontunii et Moustroll' toti communitati Londoniarum salutem. Cum alias litteras nostras vobis direximus qualiter terram istam pro honore et comodo sancte matris ecclesie, domini nostri regis, ac tocius regni pro posse nostro sicut de iure tenemur conservando intravimus vosque per litteras nostras rogavimus quatinus in querela nostra sive causa pro tocius regni comodo quantum in vobis est auxilium porrigatis, nullumque adhuc litterarum responsum nec etiam voluntatem vestram transmittere curastis, hinc est quod vobis iterum mandamus atque rogamus quatinus sic erga nos amicitiam vestram ostendatis quod causam in posterum gravandi non habeamus, set potius

¹ *Rectius* 1320; see Bain, *Calendar*, iii, pp. xxvii, xxviii; *Scalaonica*, p. 144.

² Bodleian MS. 240, p. 559, col. 1, adds 'Alexander Moubray' after Philip.

³ Bain, *Calendar*, iii, nos. 723, 724, and appendix no. ix.

⁴ Cf. *French Chronicle of London* (ed. Aungier, Camden Soc.), pp. 51-2.

⁵ A. H. Thomas, *Cal. of Plea and Memoranda Rolls* (1323-64), pp. 41-2, which calendars the French version from the roll at the Guildhall. A collation of the two texts, for which I have to thank Mr. Thomas, shows the Latin to be a faithful translation, except for the short clause noted below.

sitis auxiliantes omnibus modis quibus sciveritis quando fueritis requisiti aut tempus videritis expedire; nam non intendimus nec deo auctore temptabimus contra regni utilitatem quicquam ut nostis nec commodum;¹

- f. 228^v. /quare vos rogamus insuper et oneramus in fide qua domino nostro regi et nobis tenemini et super quantum nobis forisfacere poteritis quod, si Hugo Dispensator inimicus noster infra potestatem vestram intrare contigerit, ipsum capiat et quousque nostrum beneplacitum de ipso fuerit factum in salvo custodiat. Si vero sic studiose egeritis imperpetuum vobis arcus scencietis nos obligatos. Voluntatem vero vestram circa premissa nobis cicius transmittatis cum effectu. Data apud Baldok, 6 die Octobris.'

In crastino autem sequenti dominus rex, Hugo Dispensator, Robertus de Baldok, tunc cancellarius, in manu armata de turri cum multis exeuntes versus Bristoliam processerunt. Hamundus de Chikwell, tunc maior civitatis London', vicecomites et aliqui cives nobiles, ut coram Galfrido de Scroop, Waltero de Norwico militibus, Henrico² de Staunton clerico, et aliis regis privatis in domo predicatorum die Mercurii ante festum sancti Luce comparerent, sunt citati. Quibus ad dictum locum iter agentibus aliqui de communitate urbis obviantes quod sic secreta consilia extra communem aulam inire temptarent acrius increpabant. Regressis igitur omnibus consilioque in domo communi habito quod omnes regine ac filii sui inimici villam sine mora exirent publice proclamatum est.

1346

- f. 245^v, Ante belli³ enim exordium vel quasi in agonis principio etiam elementa
col. 2. ut putabatur effusionem sanguinis humani abhorrebant, factaque sunt tonitrua magna pluviaeque pergrandis cecidit de celo, cum tamen ante et post nubecula nulla apparente aer serenus apparuit. Corviculi⁴ etiam nonnulli supra Gallorum exercitum volare et aliquamdiu morari a multis visi sunt. In nocte vero sequenti nunc deni, nunc viceni, nunc etiam triceni in campo delirando suos⁵ querentes minus caute Anglis approximantes occisi sunt. Facto autem mane apparuit in campo exercitus Gallicorum magnus valde in equis non procul paratus ad prelium, set principi Wallie et comiti Warewici cum suis advenientibus terga dederunt et multi occisi sunt. Ferebant enim qui aderant combustiones villarum ac urbium incendia regis Anglorum oculos graviter offendisse. Per exercitum malefactores tales capite puniendos⁶ sepius proclamari fecit transgressorum detentoribus munera promittendo. In tanta tamen multitudine disciplinatos a reis⁷ difficile fuerat reperire. Commissa sunt autem bella predicta die Sabbati

¹ The French text adds here: 'Sauve tant qe nous ententoms a destruire Hugh le Despenser qest enemy a nous et a tout le dit roialme sicome vous bien savez.'

² *Rectius* Hervey.

³ i. e. Crécy, the account of which is abridged from the letter printed in *Murimuth* (Rolls Series), pp. 212-17.

⁴ Froissart also notices the miraculous appearance of crows 'without number' (ed. Luce, iii. 176, 419). Mr. Previté-Orton points out to me that what really happened is mentioned in a matter-of-fact way by Villani, Bk. XII, cap. 67: 'Before the battle began there appeared above the said armies two great crows crying and croaking, and then a little rain fell.'

⁵ Bodleian MS. 240, p. 579, col. 2, reads 'delirantes vel suos', &c.

⁶ Cf. *Anonimale Chronicle*, ed. V. H. Galbraith, which mentions similar efforts to prevent excesses: e. g. in 1359 (p. 45) and in 1373 (p. 74).

⁷ Bodl. MS. *ut supra* reads 'nocentes ab innocentibus'.

et Dominica post festum sancti Bartholomei apostoli anno domini 1346. Et pridie nonas Septembris rex Anglie urbem Calesii satis tediosa et sumptuosa vallavit obsidione.¹

1347

Anno Domini 1346 Thomas de Dagword¹ miles generosus genere Anglus f. 246^v, in Britannia Anglorum capitaneus effectus², missis exploratoribus suis col. 1. Carolum de Blois magnum congregasse exercitum ad obsidendum castra ab Anglis occupata³ intelligens, octoginta armatis et centum sagittariis secum assumptis versus locum quemdam Leon⁴ nominatum iter arripiens die Veneris proxima post festum Pentecostes⁵ Carolum predictum cum magnatibus Britannie et aliis in multitudo maxima undique collectis subito vidit. Habuit autem idem Carolus in / exercitu suo armatorum mille col. 2. quingentos, balistariorum Ianuensium duo milia, Carcassoniensium et Biterrensiu[m] [6 milia],⁶ ceterorumque superioris provincie necnon Britonum et aliorum peditum 30 milia. Anglici vero in arto sic p[ro]positi locum quemdam illis aptum eligentes equos omnes et caretas a tergo statuerunt. Quidam autem nobilis Gallicorum, nomine Gallus de la Huse⁷ Anglorum paucitatem contempnens concessa sibi exercitus parte Thomam de Dagword predictum vinctum capere et ligatum conspectibus Caroli presentare se iactanter asserebat. De omni exercitu robustiores et ad pugnam avidiores qui de diversis fuerant provinciis, scilicet de Alemannia, Picardia, Burgundia, Lothoringia, Frisia, Boemia, ceterisque nacionibus barbaris numero quingentorum armatorum elegit necnon balistarios et alios pedites in multitudo magna. Inter hos quoque domini de Beumaners et Montis Albani,⁸ Paganus de Fountenei, capitaneus de Renes, et multi nobiles et milites cum suis armatis pedites dimissis equis⁹ contra Anglicos pugnare proponebant. A tergo insuper Anglorum supervenerunt 5 nobiles scilicet vicecomes Rothomagensis, domini de Rocheford¹⁰, de Rothren, de Loiac, et de Quintin cum quadringentis equitibus armatis et multa balistariorum et peditum copia. Duo isti exercitus ante et retro in virtute magna pugnare ceperunt conflictumque validum et nimis horrendum ab hora diei prima usque post nonam qui interfuerunt durare dicebant. Tandem tamen exercitus uterque Gallicorum cum non modica suorum strage devictus est.¹⁰ Ceteris usque

¹ The next two paragraphs in the manuscript are omitted as they have already been printed in *Robert of Avesbury* (Rolls Series), pp. 377-82. They are a letter from Clement VI to Edward III and the king's reply. The latter (f. 296, col. 1) is introduced as follows: 'Misit autem rex Anglie Edwardus summo pontifici literam in Gallico, quod hactenus inauditum fuerat.'

² Dagworth was appointed king's lieutenant in Brittany, 10 January 1347. This skirmish, three weeks before the decisive battle in which Charles of Blois was taken prisoner, is not apparently described elsewhere. It is probably taken, like the author's account of the main battle, from one of Dagworth's dispatches.

³ i.e. La Roche Derien.

⁴ St.-Pol-de-Léon (Finistère).

⁵ 25 May 1347.

⁶ Supplied from Bodl. 240, p. 580, col. 1.

⁷ 'Le Gallois de la Heuse.' See *Froissart* (ed. Lettenhove), iv. 448-9, xxi. 553.

⁸ Bodl. MS. 240, *Albini*.

⁹ Cf. below, 'Carolus dispositis tribus aciebus fortissimis et dimissis equis &c.' Professor Tout (*ante*, xx. 726-30) has traced the stages by which the English practice of fighting on foot was gradually taken up in France after Crécy. This instance is even earlier than the 'good joust' near Taillebourg (1351) mentioned by Professor Tout.

¹⁰ Bodleian MS. 240, p. 580, col. 1, adds: 'Occisique sunt dominus Guido de Rocheford et plures alii milites et nobiles quorum nomina ab Anglicis ignota fuerunt.'

ad Caroli exercitum fuge presidio vitam servantibus, Gallus nobilis predictus et Paganus quasi letaliter vulnerati cum quibusdam aliis capti sunt. Morantibus autem Anglis in eodem loco usque ad vespervas et fessa propter laborem prelii membra aliquantulum recreantibus Carolus dispositis tribus aciebus fortissimis¹ et dimissis equis ante et retro et a latere pedestri certamine Anglos ferventer invaserunt mirabilem insultum undique facientes. Tandem tamen gracia illius favente qui in celo et in terra semper est mirabilis et quibus placuit victoriam donare consuevit tres illi exercitus terga dantes campum omnino vacuum dimiserunt: et occisis armatis et peditibus ultra quam credi poterit capti² sunt nobiles⁴ cum pluribus militibus et scutiferis graviter vulneratis. Ex parte Anglorum nullus nobilis cecidit die illo, sed maior pars eorum nec mirum gravissime fuit vulnerata. Habita³ itaque victoria ad refocillandum vulnerandum (*sic*) versus Kimperlee⁴ Angli dirigunt iter suum.

1346

Anno⁵ domini 1346 David rex Scocie in mense Octobris collecto exercitu f. 246v, magno Angliam intravit, / predas egit, fortalicium quoddam nomine Lidel col. 2. cepit, Walterum de Seleby militem loci custodem cum aliis quibusdam f. 247. ibidem repertis crudeliter occidi iussit, et dampna non modica incolis inferendo usque Dunelmum devenit. Archiepiscopus autem Eboracensis nomine Willelmus la Souche Scotorum adventum prenoscens, una cum Henrico Percy, Radulpho de Nova Villa et ceteris borialium nobilibus coadunato exercitu, Scotis iuxta Dunelmum obvians⁶ bellum intulit. Et habito

¹ Bodl. MS. 240, *loc. cit.* gives a more detailed account of what follows: 'unam statuit ante Anglicos, alteram a tergo, terciam a latere sinistro. Dimissis suis equis pugnam pedestrem inire de consensu omnium maluerunt. In prima acie fuerunt vicecomes de Roan, dominus de Loiac, dominus Rollandus de Dynan, dominus Montis Albani: a latere sinistro dominus Carolus predictus, dominus de Rocheford, dominus de Quintin, et vicecomes de Coymes: a tergo vero dominus de Rothren, dominus de Beumans, et plures alii nobiles.'

² Bodl. 240, p. 580, col. 2, reads, 'capti sunt dominus Rollandus de Dynan filius et domini Fulco de Basilles, I. Russeloc, Thomas Parseuans cum plurimis militibus et scutiferis graviter vulneratis.'

³ Bodl. 240, *loc. cit.* reads, 'Postquam vero Gallici omnino campum reliquerant, Thomas predictus cum suis usque Kimperlee ad refocillandum se et suos vulneratosque curandum, arreptis in itinere ad subvectionem illorum ubi poterant equis, festino gressu properavit. Omnes enim equos suos in primo bello ab illis qui retro insultum dederunt amiserunt.'

⁴ Quimperlé (Finistère).

⁵ Bodl. 240, p. 579, col. 2, begins as follows: 'Hoc anno Scoti pluries marchias boriales in manu valida intrantes incolis mala nonnulla intulerunt. Et tandem David de Brus auctoritate summi pontificis Iohannis 22 primus Scotorum rex inunctus in mense Octobris collecto exercitu maximo Angliam intravit.'

⁶ Bodl. 240, *loc. cit.* gives a fuller version. . . . 'Dunelmum obvians tres acies ordinavit. In primo vero acie Anglorum fuerunt domini de Percy, de Nova Villa, de Maulee, de Scrope, de Mosegrave, vicecomes Northimbrie, dominus Andreas filius Radulphi: in secunda acie archiepiscopus Eboracensis, comes de Anegos, dominus de Dayncourt, dominus Rogerus la Souche, Radulphus de Hastynges prepositus de Beverlaco, et vexilla de Turville et domine (*sic*) de sancto Iohanne: in tertia vero acie domini de Moubay, Leyburn, et vicecomes Eboracensis. Erant quoque ex parte Anglorum mille armati et plures quam mille hobelers, id (est) viri in equis non bene armati, fortes tamen et validi, et 10 milia architenencium et de communitate pedites amplius quam 20 milia. Scoti vero acies eodem modo disposuerunt. In quarum prima fuerunt senescallus Scocie, comites de Fif, de Stratheron', de Wygeton': in secunda acie rex Scocie, Willelmus Douglas

conflictu longo et valido 16 Kal. Novembris in vigilia sancti Luce evangeliste diu hesitatum est quibus omnipotens victoriam largiretur, sagittariis vero Anglorum multis ut ferebatur et de vulgo communi se subtrahentibus armati viriliter perseverantes donec subtracti pudore confusi redirent Scotos prostraverunt. Sicque virtute divina potius quam humana prevalentibus Anglis Scotorum cecidit numerus copiosus et persecuti sunt eos per 12 miliaria magnam stragem inferentes. Si enim neglectis omnino captivis et spoliis consuete sue cupiditati non ita avidè inhiassent Angli, sed Scotorum delectioni institissent, pertinaci eorum rebellionem et obstinaciam magnam confusionem intulissent. Interfecti sunt autem comites Moravie et Strathern et alii barones et milites et pedites in multitudine magna. Capti quoque fuerunt David rex Scocie, comites de Meneteth, de Fif, de Wigeton¹, Willelmus Douglas, et alii nobiles 14. David enim cum quibusdam aliis carcerali custodie Londoniis deputato, comes de Meneteth Londoniis equis distractus fuit et suspensus, decollatus, et in 4 partes divisus, ad 4que loca Anglie partes transmissæ sunt.¹

Eodem² anno post annalem fere obsidionem famis coacti molestia ool. 2. salvæ vita et membris qui intus erant regi Anglie urbem Calesii reddiderunt.

Explicit tertia pars Historie Auree Iohannis peccatoris Eboracensis diocesis.³

II.

Corpus Christi College (Oxford).
MS. 78.

1322

Ne fust gueres apres qe le roy tient un parlement a Everwik, et fist f. 167. Andrew Arcle count de Carleoll et Hugh Despencer leisne count de Wyn/chestre. Et taunt come il y demurra il enoist de les graunts miracles f. 168^v.

et comes Patrik : in tertia vero acie comes de Morrif et alii barones multi. Et erat summa Scotorum 2,000 armatorum et 20 milia de hobelers et de communitate pedites, videlicet, cum lanceis, securibus, et arcubus 40 milia. Et 16 Kal. Novembris in vigilia sancti Luce evangeliste in nomine domini nostri Iesu Christi et pro defensione sancte ecclesie regnique Anglie ac populi duravit pugna acerrima conflictusque longus et validus ab hora illius diei nona usque ad horam vesperarum. Dique hesitatum est quibus omnipotens victoriam largiretur. Architenentes vero et ceteri de communitate plebis timore resoluti a prelio bis se retraxerunt, armati tamen in virtute magna pugnantes perseveraverunt donec qui se subtraxerant pudore &c.¹

¹ The next paragraph, describing Dagworth's victory over and capture of Charles of Blois (10 June 1347), is omitted, being adapted directly from the letter printed in *Robert of Avesbury* (Rolls Series), pp. 388-9.

² Instead of this entry Bodl. 240, p. 582, col. 1, cap. 81, has 'Eodem anno nunciatum est magnatibus Anglorum in obsidione Calesii existencium de Gallico navigio iuxta Boloniam congregato ; unde et 7 Kal. Iulii comes de Northampton, dominus de Morlee, et dominus Walterus de Mauney cum ceteris nobilibus armatis et sagittariis in multitudine magna naves intrantes erectisque velis prospero cursu non multum a Bolonia Gallicorum navibus et galeis obviarunt. Quibus confestim sine magna resistencia devictis et per mare spaciosum fugatis 16 et plures, ut ferebatur, diversis victualibus onuste capte sunt et ad obsidionem deducte. Interim vero capitaneus Calesii, scilicet dominus Iohannes de Vyhenne, quosdam de suis cum litteris quibusdam ad regem Francie Philippum in navicula quadam quasi latenter per mare transmisit. Sed quamtoctius comprehensi ad regem Anglie cum litteris predictis adducti sunt. Quarum quidem litterarum tenor in gallico talis erat, "Karissime . . ." There follows the full text of the letter from the captain of Calais, the French version of which is printed in *Robert of Avesbury* (Rolls Series), p. 386.

³ An erasure (about 1 inch) follows *diocesis*.

faits par Thomas de Lancastre. Il se mervaila et pur ce manda le plus vanez de son hostiell pur enquerre et enserchere la veritee de cell novells : les queux tramis troveront tout la pais tesmoignants¹ les faits et virent une miracle fet en lour presens dun avewgle garie, le quelle ascuns de les envoiez avoient bien conuz de sa enfance. Et repeieront a roy et ly counteront ceo qil orrent et virent. Et le roy maintenant appella a ly Hugh Despencer et dit fierment 'Sire Hugh, grauntement fet a vous a doubter, qar vostre suggestion fust cause de sa mort et non pas ma voluntee, Dieux le sceit'. Et sodeignement il suspira et commença dolerouse chier demesner, par qi bien piert qe son corage touz foiz garda desblemie. Qar duraunt le graunt fervour de guerre entre ly et le dit Thomas le roy dist pitousement 'Qe fait mon cosyn de Lancastre moy taunt fere encombrere, qar si ne sount assez pur son estate cinc countes'. Dunt il semble qil mesmes ne

f. 168. pensa si nounn bien et bonement coment qe / fist soun conceill. Si ne demurra gueres qe le Despencer chivaucha a Pounfreit,² debrusa et lousta tous les ymages de cire defendant le poeple la mes aorer, qar il dit qe le malfe tiels mervails overa pur eux enginner.

1327

- f. 169. Cest³ graunt rumour ne cessa par taunt mes le Gorney et Mautravers ove autres foymentiiz pristrent le roy enchivachant ovesqe ly⁴ par un sotil treson ly amesnerount a Kyllingworth⁵ et la fust le noble roy dis-pitousement peyne. Et de illeoges ly mesnerount au chastiell de Corffe nutaundre, ly fesant tout le despit et vylenie qe ils purroient eismier. Et abetteront sa mort par le chemyn et ly lesseront efamine par ij iours entiers a Selwode saunz maunger ou boire tanqe ils chacerount en le bois. Et a le retourne de lour deduyt le treitour Gourney ly dist en reprovant coment il ly avoit fet despit et luy despersone en barbarie devant grants seignurs, et pur ce ly rendreit ore son guerdoun, et ove son cotell depitousement ousta la barbe le roy. Donc parla le roy humblement come cely qe ne savoit point de malice 'Thomas, contre vostre foy moy faitez celle
- f. 169^v. deshonor, pur quelle fait vous sourdera venge/aunce, qar il est defendu par seint escrit qe roy ne chapelle ne soient touchez par malice pur ce qils sunt enointez'. Et apres demanderent de roy sil eust point talent de maunger, et le roy respoundi qe bien sil eust de qoy. Et le tretour Gourney fist vier⁶ a un berchier qil ly donast de son bisse pain un lesche, et ensi dit a roy 'Ore maungerez cest bribe et come roy abatu beverez lewe de russell de vostre chapele, qar einz cests heurs avez ewe trop des bons viaundes et maungers, mes de cy en avant ne gousterez ia si bons'. Et dunc comanda le Mautravers mesner le roy avant, et ly mesdit vilement et

¹ *Chronicle of Henry Knighton* (Rolls Series), i. 426, 'occurrunt undique populi turbe . . . donec rex per excitationem Dispensatorum misit viros armatos qui eis introitum prohiberent in ecclesiam'. Cf. Ramsay, *Genesis of Lancaster*, i. 128; *Cal. Inq. Misc.* ii. 2103.

² Pontefract.

³ This account of the death of Edward II should be compared with the well-known passage in Geoffrey le Baker (ed. E. M. Thompson, pp. 31, 32), the details for which were supplied twenty years afterwards by William Bishop, one of the king's guard.

⁴ *enchivachant ovesqe ly* written over an erasure.

⁵ Kenilworth.

⁶ According to Roquefort's *Glossaire*, *viere* = 'mine, visage'.

cely qe plus de despit et deshonor ly savoit faire avoit entre eux le greindre gree. Donc chivacherount ove luy nutandre tanqe a Berkeley, y fust il receu a graunt honur de seigneur et de dame sauve la compassement de sa mort avaunt sa venue. Et ly assistrent roialment au table, mes ils mistrent en sa potage hautif venyme, le quele hautifment comencea a overer et il ousta la table ly dressaunt devettere qar il ne poest tenir la viande, et ensi apairila a son lit et entendant le faus compassement de ses enemys rendi grants suspirs hidousement / guamentant et les enemys f. 170. ly assailerount forment¹ pur hastier sa mort et il saut suis de son lit tout newe et ly tient forciblement dun baare de faire et hautement cria 'Haile Marie mercy vous crie'. Si fust le crie oie dunc par tout la ville, et a tant les traitours parlerount hautement de luy treiere avale, et les uns ly tree-rount par les tendres menbres et les autres par une toaile entour son cole. Et ensi le gentil roy abaterount a terre et pur estre seurs de sa mort boteront une corn en sa privete derere et parmi celle corn un fer ardaunt et par ensi fust il ars par tout le corps. Qe oist unkes mes de si felenouse treson et tourment fait a ascun roy de ses lieges saunz encheson ou proces de ley, ou dascun martire a si vile mort livre.

Après² cest felonuse et horrible treson le Gourney et Mautravers nose-ront remeindre en cest terre pur doute de vengeance, mes voweront hastifment lour pilrinage a saint Iake et autres seints par dela. Et a Burys³ en Espagne fust le Gourney prist par le suite de la dame de Belhouse⁴ qe maintenant counta a la potestate coment les deux treitours avoient lour seigneur liege le roy tue. Mes Mautravers senfust et Gourney fust / mis en f. 170^v. fers en le roial chemyn qe le poeple deust regarder le treitour a graunt deshonor. Et la dame hasta en Engleterre et counta le roy de cest affaire. Et il manda messagers a Burys ove lettres de creauance et ly deliverer le treitour. Et le potestate ly delivra maintenant, mes de ly fust toilet par le chemyn par graunt poiar et mande en Arragone, et le messeger fist bon poursuite et la il avoit la delivraunce, et ly mesna devers Engleterre et ly fust autrefoiz tolet par force de lour enemys ; et le messenger perceust par un espie coment il fust amesne devers Gasconie et lesse a Baone.⁵ Et le messenger se hastia de quere monsire Oliver⁶ un graunt seigneur ; et quant il ly avoit trove si ly counta le cas et tauntost chivacherount a graunt raundon a Baone et la troveront le felon treitour ; et sire Oliver fierment ly aresena et ly dit que iames nest hapist, ne iames null pardon navereit ; et dunc il confessa overtement coment il assenti al mort le roy et counta trestont le maner de celle treson. Et maintenant apres la confession, sire Oliver ly fist decouper le teste et le manda a roy en Engleterre. Issint souffri le noble roy tortousement le mort et regna xix ans et gist a Glouc' pur amur de qy Deu fet miracles.⁷

¹ ? fortement.

² What follows has been printed by Paul Meyer in the *Bulletin* of the Société des anciens textes français, 1878, p. 135.

³ i.e. Burgos.

⁴ Isolda de Belhus. See *Cal. Pat. Rolls*, 1330-4, p. 70.

⁵ *Foedera*, 832. By a letter dated 13 February 1332 the mayor, jurats, and *probi homines* of Bayonne were ordered to deliver the body of Gournay, then in prison in their city.

⁶ Oliver de Ingham, seneschal of Aquitaine.

⁷ *regna . . . miracles* written over an erasure.

Manorial Customs on the Hereford Bishopric Estates

IN the years 1577 and 1578 a certain Swithin Butterfield carried out a detailed *supervisus maneriorum, terrarum, tenementorum, ac omnium reddituum annuatim pertinentium ad episcopatum Herefordensem*, the record of which still exists in a ponderous volume. At the end of the book is the following summary of the 'Customes to be kept by the Custome Tenantes which hold customarie landes belonging to the Byshopricke of Hereforde (as appeareth in the Courte Roles) selected by me, Swythune Butterfield, anno Domini 1581'.

A. T. BANNISTER.

Reade all, or leave all.

As concerninge the Customes fflowinge, I have perused the Courte Roles belonginge to the said Byshopericke, and have heare sett downe an easie direction for those who have any occasion heareafter to Resorte to the said Roles for the fyndinge of matters which concerne the same Customes, videlicet, of the manoures of Bromyarde, Whytborne, frome Byshope, Bosbury, Cradleye, Colwall and Coddington, Estnore, Ledbury, Upton Byshope, Rosse, Sevenhampton and Prestbury (all which Manors were late the possessions of the Byshopricke of Hereforde): furthur I have not reade in the saide Courte Roles (to my remembrance, and I have reade them all which are extante in my keepinge divers and sundrie tymes, whereof there lack but few Roles from the begynnyng of Kynge Richard the Seconde until now)

But that all the Custome Tenantes which holde Customarie Landes by Copey of Courte Role according to the custome of the Manoures aforesaide (and being parcell of any of the saide Manors) doo holde the saide Custome Landes by one Custome (except Cradley, which vary in heriottes, because the Custome Tenantes have them to fee farme).

In lyke manner the Custome Tenantes which holde landes by Copey of Courte Role in the Manors of Berton, Shellwicke, Tuppesley, and Hampton, doo holde the same landes within the same fflowre Manoures by the same Customes as doe the Custome Tenantes in the Manors aforesaid (except in these fflowre Manors the youngeste childe is heyre to his auncestor.)

Moreover in the Manor of Eton the Custome Tenantes there doe holde by the lyke Customes as do the fflowre Manors beforesaide, but in this Manor the eldest childe is heyre to his auncestor. And in this Manor of Eton one of the Custome Tenantes is yearly chosen the Lordes Reve, and do gather his Rentes and perquisites of Courte in the same Manor.

Also there is in these fyfve Manors last named Contention betwene the Lorde and the Tenantes for their heriottes, wherein they wolde vary from the other Manors.

Where I have abovesaide Customes to be kept by the Custome Tenantes et cet.: To explaine my meanyng I saie

That myne entent is not heare in this Booke of my self to decide and determyne This or That is a Custome, but to sett downe what I have reade

and seene in the same Roles aforesaide, And to direct the Readers easily how to fynde in the same Roles the matters touchinge the Customes hear-after ffollowinge (leaving the judgment therof unto the Learned and those which have knowledge) : And further to enstruct in the Customes those which shalbe hearafter officers, and ignorant of them : That therby the true and perfect Customes maie be the better observed and kept, and Contention which maie happen betwene the Lorde and Tenantes the better be avoyded.

Grauntes.

1. Inprimis how every Custome Tenante which holde Custome Landes by Copey of Courte Role sibi et suis secundum consuetudinem hath an estate in the same Landes according to the Custome of the Manoure : And after his deceasse his next heyre by the Custome is founde and presented in Courte by the homage: And how the same heyre shall in lyke manner have the same Landes which his ancestor died seased of, accordinge to the Custome of the Manoure : First agreinge with the Lorde for his ffine which is uncertaine : And how and with what wordes he hath his graunte, viz. Tenendum sibi et suis secundum consuetudinem Manerii et cet. : See in the Copeyes of the Custome Tenantes in this Booke, and all grauntes, presentments, et cet. in the Courte Roles, made next after the death of the ancestors : wher the same plainly appeareth.

2. If a Custome Tenante dye seased of Custome Landes of estate aforesaide, And have no sonne, than is the eldest daughter presented and admitted the Lordes Tenante (as the sonne shoulde have ben, if the Tenante had had a sonne) (except in the fflowre Manors as aforesaide, where the youngest sonne of sonnes, if he have sonnes, and if no sonne, than the youngest daughter of daughters is presented and admitted as aforesaide). The lyke order and Custome is for every person which is presented heyre by the Custome, being next of Kynde to such a Tenante as dyeth seased as aforesaide without heyre of his owne bodie. This article I think will not be denied of any : therefore I pass it over without further proffe.

3. How grauntes are made at the hallymotte by Copey of Courte Role, wher sondry Manoures and townships do com to one Manor (as for example the V Manors by Hereforde do com to the Courtes kept at the Palace in Hereforde) playnly appeareth in the Courte Roles.

It is to be remembered that grauntes of Custome Landes must be made in the Manor or else at the place wher the same have been accustomed to be made tyme out of mynde : and with the wordes which have ben accustomed (ffor example in oure tyme betwene Myll and Nott for land in Whitborne graunted at an audit in bosbury, which the Tenantes do affirme to be against the Custome : and in the Courte Role made in the xiiith yere of Q. Elizabeth at Bromyard a Tenante lost his estate and Copey, because his graunte was Tenendum sibi et heredibus ipsius, and founde and presented by the homage to be against the Custome).

ffree benche.

4. That the first wyfe of every Custome Tenante which dyeth seased of Customarie Landes holden by Copey of Courte Role sibi et suis shalbe admytted to her ffree benche (without paying any fyne for the same unto

the Lorde) is very apparant in the Courte Roles to be the very Custome (and is not denied of any).

5. How every wydow which is ffounde by the homage to bee admitted by the Custome to her ffree benche doe com at the next Courte or at a Courte within a yeaere and daie after the deth of her husbonde and prayeth to be admitted to her ffree benche, and hath her admittance and graunte in Courte by the Steward (which admittance and graunte is *Dum sola et innupta manserit*) : See in these Courte Roles (and many others which to recyte more I think were superfluous for this matter) viz. Anno Regni Regis Edwardi quarti 19 : Item Annis Regni Regis Henrici octavi 4, 5, 13, 15, 17, 25, 34, 38 : Item Annis Reg. Philippi et Mariae 1 et 2, 4 et 5 : Item Annis Regni Reginae Elizabethae primo, secundo et quarto.

And that the widowes which have ben and are presented by the homage to have their ffree benche, maryinge with the Lycense of the Lorde or his officers (notwithstanding their admittance *Dum sola et innupta manserit*) have held their ffree benche during their lyves, is not denyed of any (if they have not comyttyed any forfeture, and have paide ffine for their Lycense to mary at the Lordes pleasure). I have not reade in the Roles the contrary.

6. How the seconde wyves of Custome Tenantes which dye seased of Customarie Landes holden by Copey of Courte Role sibi et suis have their ffree benche of such Custome Landes as their husbondes have lawfully com unto by Copey of Courte Role after the death of their first wyves and in the tyme of the mariage betwene them and the seconde wyves (notwithstanding their husbondes had yssue than alyve by their first wyves) : And also how that if Custome Tenantes have no yssue by their first wyves, than how the seconde wyves are to have their ffree benche : See in these Courte Roles, viz. Annis Reg. Philippi et Mariae, apud Rosse 4^{to} et 5^{to} : Item dicunt super eorum sacramentum quod per consuetudinem Manerii secunda uxor debet habere librum Bancum suum de omnibus terris Customariis per virum suum durante sponsalia inter eos (si de eisdem obiit seisisus) : ac etiam quod si aliquis tenens customarius hujus Manerii obiit seisisus de terris customariis et nullum habet exitum per primam uxorem et per secundam habet vel habere poterit exitum hereditarium terris suis customariis : Tunc secunda uxor debet habere librum Bancum suum. Item Anno Regni Regis Edwardi sexti 2^{do}, in ffrome : Jone, the seconde wyffe of Wylliam Dymocke, held by her ffree Benche one messuage that the said Wylliam purchased after the death of his first wyffe. And in the same Courte Role the Custome is presented that the seconde wyffe ought not to have any ffree benche but of such landes the husbonde gotte after the death of his first wyffe. Item, anno Regni Regis Henrici octavi 34 in Ledbury it was presented by the homage : That the seconde wyffe ought not to have any ffree benche of Custome Lande which the husbonde had in the tyme of his first wyfe, if he had issue by his first wyffe. Item anno Regni Regis Ricardi secundi 23 the fife wyffe of Nycholas Pytwyn was admitted to her ffree benche apud palatium.

The Custody of the Custome Tenantes children presented for heyre.

7. How the heyres of Custome Tenantes which die seised of estate by the Custome Tenendum sibi et suis et cet. : and to whom the Custome

Lande his ancestor died seised of were next to be graunted unto, if the childe were of age : That such heire and the lande his ancestor died seised of by the Custome shalbe in the Lordes custodie untill he com to full age to bee the Lordes Tenante : And how during such childes nonage the Lorde hath graunted the custodie and goverment of the childe and the Custome Lande he should be Tenante unto, To whom the Lorde will (and have had fines therfore) : See in the Courte Roles, viz. An. R.R. Ed. iii 31, 32, 33. Item An. R.R. Hen. VIth 23. Item An. R.R. Elizabethae 2, 4, 12, 18, 20, 21.

Surrenders.

8. In the Courte Roles it playnly appeareth That Custome Tenantes have used (and that it is a good custome) to surrender the Custome Landes they holde by Copey to the use of one, two or three, by surrendering the same oute of Courte to the Stewarde, Surveyor, Receavor, or baylie of that Manor (being the Lordes officers) or unto two Custome Tenantes : To testifie the same in the Lordes Courte. Also that they surrender in Courte to the use of them selves and other.

But when a surrender is made oute of Courte or in Courte (I am persuaded) it is in the Lordes choyse whether hee will accept of such surrender : for that the Lorde (as I think) maie chuse to make any graunte from the very Tenante (which is Tenante by descent unto his ancestor) : which if the Lorde doe, than is hee, to whose use the surrender is testified and made, to agre at the Lordes pleasure for the graunte of the same Custome Lande.

9. If a woman under covert baron surrender Custome Landes, shee is to bee secretly examined in Courte by the Stewarde, if shee do it for feare, or is threatened by her husbonde et cet. (as at the comon lawe) : And shee must bring her husbonde with her to be present in Courte at the makinge of the surrender (wherby it maie appeare unto the Courte that hee doth assent unto the surrender than to be made by his wyffe) : That this hath ben the use by the Custome is very apparant in the Courte Roles.

Harriottes.

10. It is very apparant in the Courte Roles That every Custome Tenante which dieth seased of Custome Landes sibi et suis, or for Terme of Lyfe only, doe paie for every messuage and for every tofte (which was sometye a messuage) his best beaste : viz. so many messuages or toftes for which heartofore herryott hath ben paie, so many his best beaste.

But the Custome Tenantes within the fyve Manors by Hereforde, viz. Eton, Berton, Shellwicke, Tuppesleye and Hampton, are contentious in this Custome.

11. How Join-Tenantes, which holde Custome Landes jointly in their copiees of Courte Roles with this worde conjunction (or the lyke in effect) (wher otherwise they holde successive by the custome) : whether it bee a man or his wyffe that doe holde jointly, or others : How the heryottes have ben paie after the deceasse of every such joyne-tenante doe playnly appeare in these Courte Roles (and divers others) viz. An. R.R. Ed. iii 46. Item An. R.R. Hen. oct. 2, 9, 23, 31, 33. Item An. R.R. Eliz. 4, 6, 9, 13.

12. How wydowes which dye seised of an estate of free benche paye heryott for every custome messuage or tofte (for which heartofore heryott hath ben paie) : See in these Courte Roles (besides others) viz. An. R.R.

Rich. ii^d 7, 8, 21, 23. Item An. R.R. Ed. 4th 6, 8, 16, 17. Item An. R.R. Eliz. 3, 4, 5, 8.

13. That at every surrender, wher the Tenante doth not reserve to hym self an estate for and duringe his owne lyfe, but do surrender the Custome Landes he occupied (and held by Copie) wholly to another person : For every messuage or tofte so surrendered (ffor the which heryott hath ben heretofore payde) the Lorde is to have so many of his best beastes for heryottes because of the surrender : and so evidently appeareth in these Courte Roles, viz. Ann. R.R. Ed. iii 13. Item An. R.R. Hen. quinti 5. Item An. R.R. Hen. sept. 16, 23.

14. How the best beaste is due for heriott (as well of the ffree as of the Custome Tenante) appeareth in these Courte Roles, viz. An. R.R. Ric. ii^d 21. Item An. R.R. Hen. sept. 6. Item An. R.R. Eliz. 10, 17.

15. How other things have ben payde for heriott when the Tenante hath had no beaste at the tyme of his death, viz. as a pott, pann, coat, et cet. See in these Courte Roles, viz. An. R. R. Ric. ii^d 19, a Russet coate. Item An. R. R. Ed. quarti 17, a brasse pott. Item An. R.R. Eliz. 4, a brasse pann.

Memorandum. Custome Tenantes by agrement betwene the Lord and them have accepted to paye to the Lorde for heryott at their deceasse for every messuage xxvis. viii^d. or their best beaste at the choyce of the Lorde : which agrement for heryott against that Tenante is good by Lawe, as I have herde some saie which are learned.

16. In the old Courte Roles it appeareth that many Tenantes have forsaken the Custome Landes they occupied, and wold not holde it for the rent they than payde, wherby the Lorde was forced to abate his rent for lacke of Tenantes : How such Tenantes, that so leave the Custome Lande they occupied and helde by Copey, payde heriott for the same as if hee had dyed seased therof : See in the olde Courte Roles, where are many entries for proffe of this matter.

Further it is not denyed of any (except the Custome Tenantes in the fyve Manors by Hereforde as beforesaide) but that heriott is due for every messuage, buylded or unbuylded, if the unbuylded messuage be called by the name of a messuage, or so specified in Copey. And notwithstanding that by the comon Lawe a tofte is named to be the place wher a messuage was sometye buylded (and so an unbuylt messuage is by Lawe a tofte) yet will not the Tenantes agree to paye heryott for a tofte (except it be proved by Courte Roles or other evidence that the tofte was sometye a messuage, or that heryott hath ben payde for the same) : Therefore it behoveth the stewardest and officers to keep still the names of messuages in the Custome Tenantes Copeys, although the same are unbuylt. So I conclude that for every place where a messuage is or was sometye buylded heriott is due (except in the V manors aforesaide). That Custome Tenantes have payde heryottes for toftes : See in the olde Courte Roles.

fforfeitures.

17. If the heire of a Custome Tenante do not com to make fine and agree with the Lorde for the Custome Lande his ancestor died seised of within the yere and daie after the deceasse of his ancestre, being called at three Courtes (kept for the same Manor wherin the Custome Lande is :

How hee doth therfore florfett his clayme for ever after : See in these Courte Roles, viz.

Anno Regni Regis Ricardi secundi xvii (apud Bromyarde) : Dominus concessit Nicholao Webb unum messuagium et cet. que ad manus domini deveniunt post mortem Johannis B., eo quod nullus venit infra tres curias tunc proxime sequentes, licet solemniter exactus fuit ad clamandum messuagium prefatum, Tenendum prefato Nicholao et suis.

Anno xix^o Ricardi secundi : Heres Roberti Lidyat tertio exactus fuit ad accipiendum terram suam et ad faciendum servitium inde debitum, et non venit. Ideo terra remanet in manu domini tanquam florifacta.

Ac in eodem Rotulo : Heres de Sniggeslande tertio exactus fuit ad accipiendum terram custumariam vocatam Sniggeslande, et nullus venit. Ideo dominus concessit et cet. tenendam sibi et suis. See also in sondry other Courte Roles for the lyke matter.

Notwithstanding I think if the Tenante be in any distress, as sick or in the Kynges warres, or such lyke, wherby he cold not com to make his clayme, I think the Courte of Chancery will helpe such a Tenante, that hee shall not florfet his clayme for not comynge within a yeaere and a daye. (Ideo quere.)

18. How Custome Tenantes have florfeted their estate for holding Custome Landes without Copey or Lycense of the Lorde or his officers. See in this Courte Role, viz. Anno Regni Regis Henrici quinti quarto : There are many seasures in that Role, pro eo quod Tenentes non habent copias Rotuli curiae.

19. If a Custome Tenante refuse to doe the service due and accustomed for his tenure : or to paie his rente due and accustomed (or such lyke) : By custome and lawe hee doth therfore florfett his estate. This article I think will nott be denyed.

further in divers Courte Roles florfetures were founde for that the Custome Tenantes paid not their Rente by the space of ii yeaeres.

20. If a Custome Tenante make a ffeoffment, bargayne or sale of the Custome Landes he holdeth by Courte Role, in such sorte and order that if the Custome Lande were free lande the ffeoffment, bargayne or sale were good by the Lawes of the Realme (or any other alienacion in such sorte or order) without Lycense of the Lorde or his officers : Than doth hee florfett his estate. And so appeareth in divers Corte Roles.

21. How a Custome Tenante florfeteth his estate for settinge to ferme the Custome Lande hee holdeth by Copey, or any parcell therof above one yeaere and daie withoute lycense of the Lord or his officers : See in these Corte Roles, viz. Anno Regis Edwardi quarti 12 (apud Bosbury) : Presentatum fuit quod consuetudo talis est quod non licebit alicui Tenenti Custumario tenuram suam ad firmam ponere ultra annum et diem sub pena florifacture. Item anno Regis Henrici octavi 8, ac alibi.

Memorandum. In sondry Corte Roles appeareth How Custome Tenantes which held i messuage and i yarde lande by Copey of Corte Role flor comyttinge any florfeture upon any parcell therof have therfor florfeted the whole Copey. Lykewise after in the articles for wast of Tymber.

further in sondry of the Corte Roles appeareth How Custome Tenantes have florfeted their estates for settinge to ferme by the space of ii yeres.

22. How Custome Tenantes have florfeted their estates for exchanging

Customes Lande one with another without Lychense of the Lorde or his officers : See in these Courte Roles, viz. An. R.R. Ed. iii^d 45. Item An. R.R. Henrici sept. 21. Item An. R.R. Hen. oct. 4^o et 24^o.

23. If a Custome Tenante be layde in a payne to repayre the Custome messuage hee holdeth by Copey (The payne and daie is given in Courte by the discretion of the stewarde and other of the Lordes officers, if they bee at the cost of the Surveyor and Receaver) and if the messuage be not repayed by the daie, the payne is lost : further if the first payne be lost, the stewarde will putt another payne upon the Tenante at his discretion (as aforesaide) : if reparacions be not done by that daie : Than the thirde payne (at the farthest) shalbe on payne of florfeture to repayre by another daie at the discretion of the Stewarde : How Custome Tenantes have florfeted their estate for not repayinge by the daie, as they had in payne upon florfeture : See in these Courte Roles, (and divers others) viz. An. R.R. Ric. ii^d 17, 22, 23. Item An. R.R. Ed. quarti 12, 17, 18, 20. Item R.R. Hen. octⁱ. 6, 12, 14, 28, 29.

24. How Custome Tenantes have florfeted their estates for sufferinge the Custome houses to fiale downe for lack of reparacions (when they have not ben layde in a payne) because it was accompted waste : See in these Roles, viz. An. R.R. Ed. quarti 13 : Dominus concessit Johanni Strode duo messuagia que ad manus domini devenerunt pro florisfactura Georgii Staple, pro eo quod vastavit et destruxit omnia edificia. Item An. R.R. Hen. sept. 12 et 13. Item R.R. Eliz. xx^o.

25. If a Custome Tenante doe sell Tymbre or trees without lychense of the Lorde or his officers : How hee hath florfeted his estate for doing the same appeareth in these Courte Roles, viz. An. R.R. Hen. oct. 9, 11, 27, 28. An. R.R. Eliz. 15 (for a tre sold by an under-tenante).

Memorandum. In the xith yere of Kynge Henry the eight, a Tenante did florfett his estate for fallynge a tre and makinge of part a payre of wheelles, and sold the same wheelles. The lyke in the xxth yere of Kynge Henry the eight for bordes sellinge. Item the ixth yere of Queene Elizabeth a Tenante did fall a tre and made bordes of the same tre, and sold some of the bordes, and therfor florfetted his estate.

26. How Custome Tenantes have florfeted their estates for falling a tree which did growe on the Custome Lande they occupied (without the lychense of the Lorde or his officers) and made waste therof : And how Custome Tenantes have florfeted their estates for felling vallet wood without lychense of the Lorde or his officers : See in these Courte Roles, viz. An. R.R. Ed. quarti 5. Item An. R.R. Hen. oct. 6, 13, 14, 16, 20, 28.

27. How Custome Tenantes have florfeted their estates for caryinge woode or other things from the Custome Lande to be spent and occupied upon the ffree lande. See in these Courte Roles, viz. An. R.R. Ric. ii^d 16, 21. Item An. R.R. Hen. oct. 14, 17, 18, 23, 26. Item in the xxth yere of Q. Elizabeth the Custome is well sett downe (apud Whitborne).

28. How Custome Tenantes in Eton have florfeted their estates for denyng the office of propositer or Reve, and to do the office : See in these Courte Roles, viz. An. R.R. Ric. secundi 6, 19, 22. Item An. R.R. Ed. quarti 13.

29. Memorandum. I have reade in the Courte Roles many entries and presentments for waste done upon Custome Landes : and in some of the

old Roles the waste hath ben presented how much and to what valure it was : and the Baylye hath ben comanded to distreyn the Tenantes goodes for the valure, besides the fforfeture of his estates. Therefore enquire of the Learned what are wastes : and also what is the Lawe for wastes done and made upon Custome Lande by the Tenante. In the 25 yere of Kynge Henry the eight a Tenante fforfeted his estate for waste, for making a quarry and selling the stones.

30. If a Custome Tenante who hath an estate sibi et suis comytt a fforfeture and die : if the fforfeture be founde in that Lordes tyme when the fforfeture was comytted, and before the heyre have the Lordes graunte : How such an heyre hath ben barred of his clayme, and the Lande remayned as fforfett : annis Regis Hen. sept. 1 et 10.

31. How Custome Tenantes have fforfeted their estates for wearinge the lyveries of gentes, contrary to the ordinance made in all the Manors at the Lawe Dayes holden in the first yere of Kynge Richarde the thirde, made by the assent of the Lorde and Tenantes, which ordinance is in these wordes, viz.

Ad hanc curiam ordinatum est coram senescallo et consilio domini, ex assensu omnium Tenentium, quod non licebit alicui Tenenti customario recipere liberatam alicuius generosi, nec fore retentus [sic] seu approprians cum aliquo generoso seu aliquo alio sub pena forisfacturae Tenurae suae customariae. Et quod nec aliquis liber Tenens seu residens sub pena XLs.

See in these Courte Roles, viz. An. R.R. Hen. sept. 3. And before this ordinance, for breaking a proclamation in Cort made to the effect et cet. See An. R.R. Ed. quarti 18.

fforfetures of ffree benche.

32. If a wydowe doe mary without the lycense of the Lorde or his officers (which doe holde by estate of ffree benche) she doth therfor fforfett her estate. And soe appeareth in these Courte Roles, viz. An. R.R. Hen. sept. 10 (the custome sett downe). Item An. R.R. Hen. oct. 11 (the custome presented). Item An. R.R. Eliz. 14, 18, 20.

33. How a wydowe doth fforfett her ffree benche, if she mary before she is admitted to her free benche. See in these Custome Roles, viz. An. R.R. Hen. oct. 19, 28. Item An. R.R. Eliz. 20, apud Bosbury, There the custome is very well presented and entered.

34. How wydowes have fforfeted their ffree benche for comyttinge whoredome in their wydowe estate. See in the Courte Role made in the xiii yere of Kynge Edward the ffourth. And also it is to be remembered that their admittances are dum sola et innupta manserit : and in some olde Courte Roles dum se solam et puram custodierit.

35. Wydowes (and Tenantes for lyffe only) doe fforfett their estates as the Tenantes which hold by Copey and have estate sibi et suis, if they comytt the lyke fforfetures : as for example, How wydowes have fforfeted their ffree benche for setting to ferme without lycense : How wydowes have fforfeted their ffree benche for felling trees : How a wydow fforfeted for surrendering to make an alienation without lycence : See in these Courte Roles, viz. An. R.R. Ed. quarti 19. Item an. R.R. Hen. oct. 13, 36. Item An. R.R. Eliz. 1.

36. In the xviiith yere of R. Elizabeth, a wydowe in Colwall was

ffounde to fforfett her clayme and estate of free benche because she cam not to clayme the same in Courte within the yeare and daie after the death of her husbonde.

37. How the Lorde (after the fforfeture comytted by his Copey-holder having an estate sibi et suis secundum consuetudinem manerii) hath graunted the Customary or Copeyhold Lande sometymes to a straunger and sometymes to hym that made the fforfeture : And when to a straunger, See in An. R.R. Hen. sexti 16 et 23 : And when to hym that made the fforfeture, See in An. R.R. Eliz. 8 et 9.

After the fforfeture of free benche the heire by the Custome cometh to the Lorde and prayeth to be admitted Tenante, and shalbe admitted in such order as if his ancestor had dyed seised therof (agreing with the Lorde for his fine). And by fforfeture of free benche the heire hath no loss but advantage : for hee getteth therby his graunte and possession in the lyffe of the widowe.

Escheates.

38. How the Lorde hath had the Customary or Copiehold Landes of his Customary Tenante having an estate sibi et suis by way of escheate : See in these Courte Roles, viz.

ffor comyttinge felony Annis Edwardi quarti 4, 6, 8.

ffor lack of heyres, and for that the Tenante was a bastarde and had no childe of his owne bodie : An. R.R. Ed. iii 42. Item An. R.R. Hen. sept. 16. Item An. R.R. Hen. oct. 7 et 9.

ffor that the Tenante was a Naturall floole the Lorde had his lande : See 9 Hen. viii.

ffor that the Tenante hanged himself : An. R.R. Philippi et Mariae 1 et 2.

The Custome Tenantes beforeaide by lycense of the Lorde or of his Stewarde in Courte maie doe those thinges which without lycense they coulede not doe without comyttinge of fforfeture : And for the same lycense the Tenante is to agree with the Lorde or his officers : And it is at the Lordes choyce and pleasuer to graunt lycenses or not to graunte : Therfore the fine for the same is uncerteine.

Lycenses.

39. How lycenses graunted by the Lorde or his Stewarde in Courte, to lett to ferme, hath ben sometyme condicionall, sometyme for terme of lyffe, and sometyme for yeares, is very apparant in many Courte Roles.

40. How the Lorde hath geven lycenses to sell underwood : See in those Roles made in the yeares of the Raignes of Q. Marie and Q. Elizabeth. And also for vallet wood.

41. How the Lorde hath geven lycenses to carie from the Custome Landes underwood, corne, strawe, donge, et cet. : See in the Corte Roles mentioned in the 40 article.

42. How wydowes that hold by free benche have had lycenses to Mary : And for the obteigninge therof have paide fines at the Lordes pleasure : See in these Courte Roles, viz.

An. R.R. Ric. ii^d 2 (vis. viii^d. for the lycense).

Item An. R.R. Hen. sexti 3 (vis. viii^d. for the lycense).

Item An. R.R. Ed. quarti 6 (*Lycentia maritare et tenere messuagium et cet. ad terminum vite*): et 10 (*X^s for the lycense*): et 16 (*X^s for the lycense*).

Item An. R.R. Hen. oct. 34 (*X^s for the lycense*).

Item An. R. R. Eliz. 18 (*Vli. for the lycense*).

43. How the Custome Tenantes have had lycenses to exchange Custome Landes one with another : See in these Courte Roles, viz. An. R.R. Ed. iii 34, 45. Item R.R. Ric. ii^d 22. Item An. R.R. Hen. oct. 5, 16, 18, 32, et alibi.

44. That Custome Tenantes cannot fell trees (as oke, ash, elme) without lycense of the Lorde or his officers, I think cannot be denyed : And appeareth in the Courte Roles that if they doe fell without lycense, they do therfor florfett their estate.

45. How Custome Tenantes have had lycenses to make and dig Quarries for stone and tyles : See in these Courte Roles, viz. An. R.R. Ed. quarti 17. Item R.R. Hen. oct. 30, 31, 38.

46. How Custome Tenantes have had lycenses to make fish-pooles : See in the Corte Roles in the 15 and 17 yeares of Q. Elizabeth.

47. How Custome Tenantes have had lycenses to buylde new houses and new mills : See in these Courte Roles, viz. An. R.R. Hen. sept. 3. Item An. R.R. Ed. sexti 3. Item An. R.R. Eliz. 2 et 17.

Paynes.

48. How paynes have ben putt upon Custome Tenantes who are ffounde by the homage to have no right to the Custome Landes they occupie to avoyde from the same Landes : And how the paines are at the discretion of the Stewarde, viz. sometyne XLs, sometyne Vli, and Xli. : See in these Roles, viz. An. R.R. Hen. oct. 15, 16, 17, 34. Item An. R.R. Eliz. 15 et 21 (*Vli.*).

49. How the Custome Tenantes have ben comaunded in Courte by the Stewarde (at his discretion) upon paynes in money, as Xs, XXs., XLs. et cet. (which comonly are the first and second paynes) and also upon paynes of florfeting their estates, to repayre their Copeyhold messuages and buyldinges by a daie to them geven in Courte : See in these Roles, viz. An. R.R. Ed. quarti 3, 16, 19, 23. Item An. R.R. Hen. oct. 4, 9, 12, 15, 17, 19, 23, 26, 33, 35, 38. Item An. R.R. Eliz. 19.

And when upon payne of florfetinge their estates (which hath ben at the seconde payne, but the Tenante said that ought to be the third payne) : See in these Roles, viz. An. R.R. Hen. sept. 2, 5, 6, 13, 17, 23. Item An. R.R. Hen. oct. 2, 8, 12, 14, 21, 30.

Pounde breach and Rescous.

50. How every Tenante which maketh Rescous against the Lordes officers, when any of them takes any Cattell or distresse for the Lorde, shall florfett for every tyme three pounds and a peny : See in these Roles, viz. An. R.R. Ed. quarti 13, 16, 19. Item An. R.R. Hen. oct. 4, 10, 14, 19, 21. Item R.R. Eliz. 16 et 21.

Quere if Resiantes are bounde to this Custome : in some of the Roles Resiantes are presented.

51. How betwene Tenante and Tenante, or Tenante and Resiante, the Rescous or pounce breach is but VIIIs. : See in An. R.R. Hen. oct. 17 et 33. Item An. R.R. Eliz. 14, 16, 17, 21.

forfeiture of money for suynge.

52. How the Lordes Tenantes that doe sue other out of the Lordes Courte (called Knightes Courte) for actions which maie bee tryed and determined ther doe forfeit to the Lorde for every tyme forty shillings : See in these Roles, viz. An. R.R. Hen. Oct. 19. Item An. R.R. Eliz. 2, 11, 17, 21.

Quere if Resiantes are bounde to this Custome by lawe.

53. How in the olde Cort Roles appeareth that the Tenantes and Resiantes are bound to sue personal actions in the Lordes Courte which maie be ther determined, or else to lose XXs. : See in these Corte Roles, viz.

Anno Regni Regis Henrici sexti 21 : Presentatum est quod ex antiquo consuetudine, a tempore quo non extat memoria hominum, Quilibet Tenens et Residens infra dominium domini de Rosse primo et principaliter temptaret et caperet actionem suam, tam in placito debiti quam in transgressionem, in Curia domini hic, vel in Curia militari domini apud Herefordiam.

Item anno 30 Henrici sexti : Concordatum est per senescallum et omnes Tenentes Episcopi apud Ledebury, tam liberos quam customarios, non procedere nullum Tenentem in Curia domini Regis, sed in Curia domini Episcopi in palacio suo Herefordiae sub pena XXs.

The Order of the Maius Ius.

How hee that pretendeth to have any right in any the Customary Landes within any the foresaide Manores, which Customary Landes be before graunted to another by Copey of Courte Role, tenendum sibi et suis, hath used to have a Jurie for the tryall, whether hee more right hath to such a messuage and landes as hee doth clayme them according to the Custome of the Manor than the Tenante or defendant hath, as hee doth hold the same. for the Order therof, and how the Stewarde in such case hath geven judgment, and of other orderly dealings therein : See in these Courte Roles, viz.

Anno Regni Regis Henrici sexti 22 the order was shorter than is now used, viz. : Ad hanc Curiam venit Walterus Lone in propria persona sua, et dat domino iis. ad videndum Rotulos Curiae : et petit inquirendum utrum ipse habet maius ius in uno messuagio et cet. an Nicholaus Tiler. Et super hoc preceptum est homagio et cet. Qui dicunt super sacramentum suum quod Walterus Lone habet majus jus in clamario suo quam Nicholaus Tiler habet in tenura sua. Ideo consideratum est et cet.

Item in the vi and 34 yeares of Kynge Edward the thirde are good entries of the maius ius after the old order.

Concerning Leetes and Lawe-daies.

What is to be done in the same Courtes every good Stewarde doe perfectly knowe : Notwithstandinge these notes ffolowinge are to be remembered, viz.

first it is to be noted : That there is graunted by Charters unto the Byshopes of Hereforde Quod ipsi habeant et teneant omnes terras et possessiones suas et tenementa sua in perpetuum, cum socha et sacha, Thol et Theam, et Infangentheof et utfangentheof et cet.

Et Quod ipsi et homines sui de predictis tenementis sunt liberi et quieti de geldis et danegeldis, de hidagiis et carucagiis et tallagiis, et de Shiris et Hundredis, et de sectis eorum infra Burgum et extra, et de Stretwarde, et de omnibus placitis et querelis que ad comitatum et hundredum pertinent (salvis hiis que ad Regiam coronam pertinent.)

Et Quod ipsi et homines sui sunt quieti et liberi ab omni carragio, pontagio, panagio, stallagio et thelonio per omnia dominica nostra (excepta civitate London.)

Et Quod ipsi sunt quieti de hundredfeg, wardfeg et teyngpenni, et francoplegio, et de operacione castellorum et reparacione poncium, et clausura parcorum, et de omnibus similibus operacionibus et exacionibus.

Item Ipsi habeant liberas warennas in omnibus dominicis terris suis, viz. Maneriis de Berton, Eton, Shelwick, Tupesleye, Hampton, Bromyarde, Whitborne, ffrome, Bosbury, Grendon, Colwall, Estnor. Ita quod nullus warennas illas Maneriorum predictorum intrare possit ad fugandum in illis vel aliquid in illis capiendum sine licencia et voluntate ipsius Episcopi et senescallorum suorum super florisfacturam—X¹¹.

Item Ipsi habeant nundinas apud Hereforde et Bromyarde et mercatum apud Bromyarde.

Item ipsi habeant assisam et gubernacionem panis, vini et cervisie, ac omnium aliorum victualium : necnon assisam et sigillacionem omnium mensurarum et ponderum in maneriis suis et feodis suis, tam infra libertatem Herefordie et suburbia eiusdem quam extra : ac eciam cognicionem, correccionem, punicionem, fines, amerciamenta et emendam pistorum, braciatorum, tabernariorum, vitellariorum, regratariorum, forstallatorum et aliorum transgressorum. Ita quod senescallus aut clericus marcati hospitii nostri et heredum nostrorum maneria, terras et feoda sua predicta ad premissa vel aliquod premissorum seu ad aliqua alia officium suum tangentia ibidem facienda, corrigenda vel punienda non ingrediantur.

To wright heare the great Patent verbatim for the liberties of the Bishoprick of Hereforde were superfluous : because the same is very faire wrytten, and under the great seale of England exemplified, ratified and confirmed by our Sovraigne Ladie, Queen Elizabeth, dated at Westminster the xxi daie of June, in the fift yeare of her highnes prosperous raigne.

And the copey therof, as also the Quo Warranto, are in the Redd and Blacke Bookes (and the Quo Warranto is under seale) : but in the saide Bookes is not wrytten the Concorde betwene the Byshoppes of Hereforde and the citizens of Hereforde, for the fayre and liberties which the Byshoppes have in Hereforde : which is wrytten, in the Register of Byshope Swynfield.¹ Item, in the same Register it is graunted that non usage shalbe no floriture of liberties.

If townships doe not appeare at Leetes to doe their service, or if the

¹ *Reg. Thom. Cant.* (ed. Copes), pp. 91-3. (It is recopied in the Swinfield Reg., fol. 26.)

townships be founde in concealmentes : for every such defalt they lose viis. by the olde usage and custome.

If that I have erred, correct me with skyll.
 But before you amende me unto your will,
 See Courte Role and Rentrole, which waranted me :
 And than doe I think smale error wilbee.
 The most part of three yeares did I bestowe
 My labour in searching the truth to knowe,
 And wrightinge the same, as is aforesaide,
 That rente, service and customes maie bee well paide.

Naval Recruiting in Lindsey, 1795-7

THE problem of naval recruiting in the war with the French Republic has never been studied with the attention that Sir John Fortescue has bestowed on recruiting for the contemporary army.¹ How far did the navy depend on impressment, and to what extent did impressment reach beyond the class of 'men bred to the sea'? How did the admiralty recruit the 'sea labourers', men who, unlike the 'prime seaman', had had no previous training in seamanship and seldom attained to the rank of topsmen? An answer to these questions has not yet been given, and before this can be done the local records of the several counties must be examined. The admiralty was concerned, not with the administrative machinery, but with the results, and thus its records are almost silent on the subject.² It is only among the ill-arranged bundles of county papers that the material exists for a study of the subject.

Lindsey, the largest of the three administrative divisions of Lincolnshire, only differed from the majority of English counties by having a large seaboard, and the conditions of recruiting can fairly be taken as typical of the ordinary agricultural coastal county of the period. The records of the division, which have recently been collected at Lincoln and are in process of being sorted, contain three large bundles comprising roughly about a thousand documents which deal with naval recruiting,³ mainly, of course, forms of enrolment.

¹ Naval recruiting is touched upon by Sir Cyprian Bridge in *Sea Power and other Studies* (London, 1906), James, *History of the Royal Navy*, and Gill, *The Naval Mutinies of 1797* (Manchester, 1913). For the general situation of naval recruiting little information can be gleaned from Parliamentary Debates. The subject is not mentioned in Nelson's *Dispatches*, *The Spencer Papers*, Laird Clowes, *History of the Royal Navy*, or Hannay's *Naval Courts Martial*.

² Admiralty Records, Ships' Musters, Series I, Ships' Pay Books, Series III, and In Letters (Secretary's Dept.).

³ I am greatly indebted to Mr. E. W. Scorer, clerk to the Lindsey County Council, for his kindness in putting these documents freely at my disposal. Local historians owe him a great debt of gratitude for the care he has devoted to the arrangement and

The outbreak of the war with the French Republic found the admiralty by no means ready. Ships were out of commission, and it was no easy matter to recommission and man them. Whatever view is taken of the success of the press-gang, the fact remains that it did not bring in sufficient men for the needs of the admiralty. Within a fortnight of the declaration of war, the duke of Ancaster, as lord lieutenant of Lincolnshire, received a very urgent letter, enclosing a copy of an order in council directing him to command the magistrates to take up 'all straggling and seafaring men'. They were to be delivered up to sea officers or captains of ships of war. To induce loyal citizens to give their support to the measure, a reward of twenty shillings was promised to any person arresting a 'straggling or seafaring man', with an additional sixpence per mile conduct money up to a distance of forty miles, which was to be paid by the customs officers at the ports. Ancaster forwarded this letter and order to Brackenbury, the clerk of the peace for Lindsey, with a request that he would put their directions into execution. The minutes of the quarter sessions and the quarter sessions rolls do not show that the Lindsey magistrates did anything of the sort. Probably the county was too remote from the great naval bases for seafaring men of the type required to be found there, and the activity of the press-gang in Grimsby, the only port in the county of considerable size, prevented many seafaring men making their way inland to trouble the magistrates.¹

The same difficulty would appear to have been felt all over England, and the supply of seafaring men proved to be unequal to the demands of the admiralty. Thus, in March 1795, there was passed 'An Act for raising a certain number of men for H.M. Navy'.² Its basis, like that of all other recruiting acts of the period, is that of local responsibility. Each county was to provide a specified number of recruits, Lindsey being assessed at 191. The admiralty was to appoint a 'regulating officer' to receive and enlist recruits, and to establish a 'rendezvous' for the purpose. Within fourteen days of the passing of the act, the justices were to assemble in general sessions, where, from lists supplied by the commissioners of land-tax of the number of houses paying inhabited house duty and window tax, they were to fix the quota required from each parish. They were to group smaller parishes together, if and when necessary, and were to fix the dates of petty sessions for receiving the nominal lists of men enrolled by the parochial groups. All recruits had to pass the

preservation of the archives in his charge. The term county, throughout this article, refers to Lindsey, and not to Lincolnshire.

¹ It is worth noting that four years later Grimsby had considerable difficulty in raising its quota.

² 35 Geo. III, cap. 5.

regulating officer before the justices could enroll them, but the parish whose recruit was rejected had a right of appeal against the decision of the regulating officer to general sessions.

The method of enrolment was carefully defined. On receipt of a precept from the justices the overseers of the poor and churchwardens were to convene a vestry meeting, giving two days' notice to the inhabitants. The meeting so convened was to bargain with volunteers as to bounty, the necessary funds being raised by a cess based on the poor-rate, or county rate in the case of an extra-parochial district not assessed to the poor-rate. For every man it failed to raise, a parish had to pay a fine of £30. The fines were to go to the county treasurer for the hire of substitutes.

Men accepted for service were to be able-bodied and between sixteen and sixty years of age. Articled clerks, colliers ('persons serving articles in the coal trade'), apprentices, serving soldiers or sailors, and poor men having two or more children born in lawful wedlock were exempt. A twenty-shilling reward was offered for the apprehension of deserters, and persons harbouring deserters were liable to a fine of £5 or three months' imprisonment and a public whipping. The act terminates with provisions relating to the civil and criminal liability of enrolled men.¹

In addition to quota men, an attempt was also made at the same time to touch another source of man-power by passing, on 28 April 1795, 'An Act for enabling the magistrates in the several counties of Great Britain to raise and levy under certain regulations such able-bodied and idle persons as shall be found within the said counties to serve in H.M. Navy'.² It provided for the arrest of all idle persons, rogues, vagabonds, smugglers, and embezzlers of naval stores. Petty sessions were empowered to issue search-warrants enabling constables to arrest persons on suspicion, who were to be examined by the justices and could be detained in custody pending an adjournment. If discharged as not being within the scope of the act, an arrested person might claim one shilling a day for subsistence. The provisions for enrolment were the same as in 35 Geo. III, cap. 5. But a provision which is not found in the latter was the payment of a sum from ten to forty shillings to the overseers of the poor in the parish where a man had a settlement, for the upkeep of his wife and children. No voter was to be compelled to serve and a right of action was reserved against justices enrolling a man not within the act. The damages, however, were limited to twopence unless malice could be proved.

¹ This act has been quoted at length for two reasons: it is not available in any standard history of the period; it is also the basis for all acts for naval recruiting passed during the wars with France.

² 35 Geo. III, cap. 34.

So far as Lindsey was concerned, the results of this act were disappointing, only two men being obtained.¹ Thus the bulk of the recruits supplied were quota men. That the government regarded the question of naval recruiting as one of extreme urgency is shown by the letter which the admiralty sent to Brackenbury at the end of February 1795, enclosing a copy of the bill, and stating that in view of the importance of the measure, which would probably become law in the course of a few weeks, he was to furnish a list of magistrates to whom copies were to be sent. He replied, asking for them to be sent to him by the Boston coach, but there is now no copy in the file of documents for 1795, though a letter from several of the magistrates who lived near Lincoln complains that they had not received copies.

With commendable zeal the Lindsey magistrates did not take advantage of the fortnight's grace which was given by the act, but held their general sessions, at Spilsby, as required by the act, on 19 and 20 March.² Briefly, the problem that faced them was to group the thinly populated and numerous parishes of the county so that the 191 men required should be more or less equitably apportioned. The list presented by the commissioners of the land-tax showed that there were nineteen wapentakes in the county, containing 11,905 inhabited houses; and parishes were grouped into multiples of seventy houses, each seventy providing a man. The number of parishes included in a single group varied considerably, as did the number of volunteers demanded from each group. Thus Crowle, Belton, Epworth, and Wroot in the comparatively densely populated isle of Axholme found seven men, Coningsby and Haltham were grouped together to provide four men, and at the other end of the scale, West Rasen, Newton, Toft, Linwood, and Legsby found (or rather failed to find) one volunteer amongst them. By April recruiting was in full swing and Brackenbury began to receive accounts from the various wapentakes. On 20 April Thomas Gulton and William Wilson sent in their account of volunteers enrolled, which shows that the wapentake of Manley had raised 17 men of an assessment of 28, whilst Yarborough, assessed at 21, had raised 2. Other accounts followed very quickly. R. Wilkinson sent in a statement for Walshcroft, Bradley, and Yarborough wapentakes on 24 April, and by 22 May the Reverend Cayley Illingworth, J.P., rector of Scampton, near Lincoln, an indefatigable recruiting agent, sent in a statement which showed that the four wapentakes of Lawress, Aslackoe, Corringham, and Well had provided 32 men out of an assessment of 34, and that the two

¹ Lindsey Quarter Sessions Rolls, Midsummer Session 1795, Spilsby Petty Sessional Division, Michaelmas Session 1798, Kirton Petty Sessional Division.

² Minutes of Quarter Sessions. Also a draft advertisement summoning the meeting in Bundle 1 Naval Recruiting.

defaulting groups, Kirton and Scotter, and Atterby, Norton, and Waddingham, had fined. Thus these four wapentakes were clear within two months of the passing of the act. Illingworth had sent to the county treasurer a cheque for £750 9s. 10d., representing the balance of bounty money.¹ He was not the last magistrate to submit an account, for on 30 May John Swan sent in one which showed that 16 more men had been raised in the northern part of the county.

By no means all the men thus obtained were volunteers; in fact during this particular year a certain number of substitutes were being enrolled, though the proportion of substitutes to volunteers became higher later on. The dependants of a volunteer who had a settlement became chargeable to the parish, and therefore the overseers seem to have preferred to get a substitute if they could arrange to do so. Substitutes usually received a lower bounty than volunteers, though the variations are too great to permit of generalization. The parishes on the Yorkshire border seem to have made recruiting forays: at any rate, quite a large number both of their volunteers and substitutes had settlements in Yorkshire. At a later stage in the war this question of the upkeep of dependants became acute and was settled by a system of compensatory grants between various counties. Thus Lindsey received quarterly a sum from Nottinghamshire for the dependants of men serving in the Nottinghamshire militia and having settlements in Lindsey, whilst they had to pay out to both Nottinghamshire and Yorkshire. But there do not appear to be any payments made for the dependants of men serving at sea.²

In the early days of the war, however, before this system had been evolved, it seems to have been distinctly to the advantage of a parish, if it could not obtain a young volunteer with no dependants from within its own boundaries, to get a volunteer or substitute from another parish, preferably from another county. If by its own efforts a parish could not get hold of a volunteer or substitute it could get one through the magistrates by paying an average price, i. e. the average of the bounty throughout the county. The penalty, as has been noted, for failure to provide either a volunteer or substitute was £30.

The substitutes, then, came from various districts. Several were Scots, for at this time there seem to have been a large number of Scottish vagrants in Lindsey. Captain Hare, the regulating officer, seems to have been willing to get men to act as substitutes at £3 per head. In June 1795 he had eleven men brought up from London.³ They apparently travelled regardless of expense and, as

¹ Naval Recruiting Bundle 1.

² Lindsey Quarter Sessions Rolls 1797-1815, *passim*.

³ Naval Recruiting Bundle 1.

the bill included eighteen pounds for subsistence which the substitutes would in all probability not get, the business of conducting men would appear to have been quite profitable.

According to the provisions of the act, the quotas had to be filled and all certificates of enrolment returned by 1 July 1795. Brackenbury, despite his efforts, was unable to get his certificates in by this date. In July the county treasurer submitted to him an account of 'Parishes who have not provided Volunteers', which shows that there were twenty-six defaulting groups, accounting in all for thirty-six men. Of these, nine groups, accounting for fifteen men, had not provided substitutes. This account is rather difficult to understand if it implies, as it seems to do, that the possible maximum of substitutes recruited under the act was thirty-six, as the enrolment forms show a considerably higher number. The solution probably is that a substitute obtained by local effort amongst the groups was regarded by the county authorities as a volunteer. On 5 September Brackenbury wrote to the admiralty, stating that 174 men had been enrolled, and on the 30th he sent the certificates to make up the complete quota of 191. With the fines paid by parishes who did not provide their quota the justices procured 13 additional substitutes.

The volunteer or substitute on enrolment received a third of the bounty agreed upon, the remainder being paid by the county treasurer to the man himself or his representative on receipt of a certificate from a ship's captain that he was serving. The bulk of these payments were made by the middle of October 1795.

Though the county had now raised its quota, the business of recruiting substitutes, presumably from the unexpended balance of fines and averages paid by the defaulting parochial groups, continued during 1796.¹ During that year 44 recruits were enlisted, and it appears that the business arising out of the act of 1795 was not finished until the treasurer's accounts were passed at the Epiphany sessions of 1797. This account shows that out of 176 men raised by the parishes, 140 were volunteers and 36 were substitutes. Twenty-eight parish groups had fined, for thirty-six men. With the surplus of the prices paid by parish groups to avoid fines, thirteen men had been 'hired' at an average bounty of £17 15s. The average bounty for both volunteers and substitutes seems to have been about equal, though the variation is greater in the case of volunteers, where we find one or two enlisting for a bounty of as little as £10 10s., or as much as £45. The lowest bounty paid to a substitute was £15 15s. and the highest £35. The majority of volunteers received a bounty of from £30

¹ There are 44 enrolment certificates for this year, but, judging from certain discrepancies in the accounts, it is not by any means certain that the file is complete.

to £35, whilst the larger proportion of substitutes received about £30 or a little less.¹

Two groups had enrolled unsuitable men, one of whom was returned as 'unservicable', the other apparently a runaway apprentice. Despite the raising of the quotas for 1795 and the passing of an act on 18 May 1796, to reinforce the act of 1795 against idle persons, rogues, and vagabonds, the wastage of men was such that by the autumn of 1796 a fresh supply of recruits was required, and an act was passed on 11 November 1796 with the same title and in similar terms to that of 1795. The quotas, however, were increased, and under this act Lindsey, together with the city and county of Lincoln, was responsible for raising 248 men (37 Geo. III, cap. 4). The general sessions for the consideration of the assessment was held before the end of the month, and the necessary petty sessions for the receiving of enrolments were held in the first fortnight of December. Recruiting, however, had not been very successful, and at the petty sessions for the soke of Horncastle and the wapentakes of Bolingbroke, Hill, Wraggöe, and Gartree a return of inability to raise men was made, and the magistrates gave them sixteen days' respite, adjourning the sessions till 24 December. They then made a return of twelve men, considerably below their assessment.² A similar return was made on 7 December by the wapentakes of Calceworth, Loutheske, Ludborough, and Candleshoe. They had managed to raise one man out of an assessment which must have been more than thirty-five.³ The sessions were adjourned till 22 December, when they had raised two more men, and were granted another respite till 2 January 1797, during which time they again raised another two. By the end of January they managed to enroll two more, and apparently paid the county average and fines for the rest.

The other wapentakes do not seem to have fared much better, and the magistrates began to be uneasy about the county quota. In February Brackenbury drafted an advertisement for the

¹ Naval Recruiting Bundle 2. There is some discrepancy between the accounts and the particulars given in Brackenbury's letters. Thus the accounts show a total liability of 212 men, which does not agree with the assessment (191). Neither does the list of parishes fined agree with Brackenbury's list of defaulting parishes in his letter to the admiralty of 5 September 1795, though it includes them all. Some of these parishes may have been fined for not having their substitutes by 1 July. It is fairly certain that the accounts must relate to the act of 1795, as recruitment under the act of 1796 was not complete until July 1797. A possible hypothesis is that some of the parishes enlisted more than their quota. The assessment for 1795 was 191, that for 1796 was 248. Neither of these figures, however, agrees with 212, which is obtained by adding the 176 men provided by the parochial groups to the 36 for whom fines were paid. Also the enrolment forms show a much greater number of substitutes than the 36 given in the treasurer's list.

² The figures for this assessment are not available, but the five districts were assessed at 42 men in 1795, when the county total was 191 as compared with 248 in 1796.

³ The assessment for 1795.

Lincoln, Rutland and Stamford Mercury, offering a bounty of £25 to each substitute, together with twenty-five shillings to any person procuring a substitute, and announcing that the justices would sit in the justices' room in the bail of Lincoln every Friday and at Spilsby every Monday to administer oaths to persons desirous of enrolling themselves.¹

This advertisement, whatever its general results may have been, had at any rate the effect of inducing certain persons to come forward with offers to find substitutes. One of these went to Caley Illingworth, who was, as formerly, doing his best to get the quota raised. Illingworth sent him to Brackenbury with a request to furnish him with the number of substitutes required for the wapentakes of Manley, Bradley, Yarborough, and Walshcroft and the names of the parishes for which they were to serve. He also wanted an order on the county treasurer for money to pay the bounties and fees, and intimated that he was ready to transact business at the justices' room in Lincoln every Friday until the matter was settled. Despite his efforts, the returns were very disappointing. In April a return made by the treasurer shows that nine parochial groups had not raised their quotas. Coningsby and Haltham were assessed at four men and had not found one, whilst Great Grimsby, Clee, Wellow, and Weelsby had got one man instead of four. The activity of the press-gang, which, according to local tradition, was great in this latter district, may have accounted for the difficulty of getting quota men, though the press-gangs wanted a different type of man from the county authorities. However, after a considerable struggle, the quota was raised, and on 7 July 1797 Brackenbury sent off his copies of enrolments to the admiralty. He sent 234 enrolments of quota men; the remaining fourteen required to complete the assessment were those of the county of the city of Lincoln, which he presumed had been sent separately by the town clerk, as he had seen nothing of them. He also sent 48 certificates of enrolment of men raised with the surplus of the fines paid by parishes which did not contribute their quota.²

Here, unfortunately, the Lindsey records for naval affairs break off, save for a few scattered references to the period immediately after the rupture of the treaty of Amiens. Thus we cannot trace the effects of the mutinies of 1797 and the subsequent events of the war on the supply of recruits.

Sir John Fortescue regards the acts as being failures, but his observation is probably confined to their military provisions. Pitt, in the debate on the threatened invasion, 18 October 1796, outlining the provisions of the act which was passed on 11 November, complacently remarked that the act of 1795 had been a

¹ *Naval Recruiting Bundle 3*. The advertisement duly appeared.

² *Ibid.*

success, and the statement passed unchallenged by the opposition. Fox merely said that 'the circumstance of impressing men into that Service (the Navy) . . . would not be a part which a judicious friend to it would select to be the object of a panegyric. . . . The discussion (of impressment) will be unseasonable until we shall find a better mode of providing men for that Service.' Even when in the budget of the same year the naval estimates were shown to be some £4,223,000 short, the opposition did not attack the government on the subject.¹

Pitt's statement is, to a certain extent, backed up by the evidence afforded by the Lindsey papers, which also enable us to formulate one or two other conclusions. In the first place, in 1795 the number of volunteers is considerably in excess of that of substitutes. By 1797 the circumstances have changed, and even including a number of men, provided by 'crimps' and enrolled out of the surplus of fines and averages paid by defaulting parishes, who would doubtless be enrolled as volunteers, the number of substitutes slightly exceeds that of volunteers. It has been stated that the drain on the man-power of England in the Napoleonic wars was negligible, but the bounty offered—a munificent sum to an agricultural labourer—coupled with the disappointing response to the appeal, seems to point to a progressive weakening of man-power. Apathy it can hardly have been, considering the large proportion of volunteers found in 1795. Possibly, however, some rumours of the bad conditions prevailing in the fleet may have had an adverse effect on recruiting.

Another point is the zeal of the magistrates. The fact that there were practically no appeals against either the justices or the regulating officer shows that the matter was carried out very smoothly. Unfortunately, the records show us little of the actual men who were enlisted. As one would expect, the bulk were agricultural labourers, but there is no great predominance of this class. It is noticeable that very few men who had any knowledge of seamanship enlisted, though in a county bordered on every side by the sea or navigable rivers, one would have expected to find more than an occasional 'boatman' or 'lighterman': this may be accounted for by the fact that men trained to the sea were more likely to be pressed. Neither do the recruiting statistics show any great economic dislocation occurring as a result of the numerous enclosures which were taking place in Lindsey during the last decade of the eighteenth century.

The impression has long gained currency that the quota men, on the whole, were most unsatisfactory recruits. James has a very lively description of them, probably from first-hand knowledge,²

¹ *Parliamentary History*, xxxii. 1209-22.

² James, *History of the Royal Navy*, ii. 65.

but this is perhaps somewhat prejudiced. James, after all, was a professional sailor, not very sympathetically inclined towards the 'unhandy lubbers' sent from inland villages. Gill is inclined to be even more sceptical as to their value. He holds them largely responsible for the mutinies of 1797; and it is undeniable that several of the leaders, including Parker, were quota men. He seems also to think that *bona-fide* volunteers were very scarce. 'Most of the quota men,' he says, 'had been brought into their unhappy position by crime or misfortune.'¹

Against this we can set the fact that at any rate in the first levy, that of 1795, an appreciable proportion of the volunteers raised were village lads with decent reputations in whom their local landlord or parson took an interest when they went into the service. On a few occasions we find local gentry writing to obtain a settlement of payment of arrears of bounty to the local quota men.

On the whole, however, the bounties were paid to time and it was only occasionally, when certificates went astray, that any hitch occurred in the payment of the balance of two-thirds of the bounty to a serving man's representatives. One such occurrence resulted in the only letter in the Lindsey documents which really shows us the quota man as he was, and the excerpts printed below suggest that Gill's gloomy description of the quota men is not fully warranted. The writer, Robert Ackrill, was a volunteer for the parishes of North Thoresby, Grainsby, and Tetney, whose relations were unable for some time to get the balance of his bounty: it was not paid until 27 October 1795. His letter gives the impression that *esprit de corps* was very quickly developed in the quota men. It is accompanied by a certificate that Robert Ackrill was serving on board the *Sans Pareil*, and was filed with the certificate and receipt for the balance of the bounty money. F. W. BROOKS.

'On board is Majesty ship Le Pompee² 80 guns. Father and Mother These is to inform you that I am ship this day on Board the Le Pompee i am sorry to Leave my own Ship For if i was to Go a Board of 20 i would not get a better. . . . There is 120 Drafted this day i expect to Receive one Guiney Before we Sail From you to the Sans Pariell and they will Send it on to me i am sorry For you To Delay me So Long now i Com on Board i ad not one Farthing and on Board a strange Ship i got an order From the Sans Paeriel For you to receive my Bounty and i sent it in a Letter yesterday and it is sinde by the Capt of the Sans Paeriel i Hope they will not be against leteing you Have the Money i Think it is time it was Sattled and you may Do Wat you Think is best with it. . . . if They will not let you have it With that order i Do Not now Wat to Do about it. i See Wm

¹ Gill, *The Naval Mutinies of 1797*, pp. 315-17.

² *La Pompée* was one of the four ships captured by Hood from the French at Toulon.

Marflit Last Sunday and he was Well they are a Goain out with us you will give my Respects to E. Paddison Ann Wright A Ward. . . . i Do not now Wat you think about the War but i think it Wount be over this Long time yet I shal Wright again before We Sail and i let you now how i Like my Fresh situation So i Conculde to be your Dut^l Son til Death

Rob^t Ackrill

the Capt Clark tould me that my name Came on Board the Sans Paeril Nam Rob^t Ackrdill and that been the mistacke were the Stifcate wis leift i Never herd Nothing about it My Respects to all Well Wishers '

Three Letters on the Ionian Islands, 1850-3

THE following letters from Sir H. G. Ward, then lord high commissioner of the Ionian Islands, to Lord John Russell, form no. 107 of the manuscripts in the Gennadeion in Athens. At the dates of the first two letters Russell was prime minister, at that of the third foreign secretary; as colonial secretary, 1839-41, he had been directly interested in the subject. The letters throw a partial light upon Sir H. G. Ward's difficulties after the reforms of his predecessor, Lord Seaton, and may be illustrated by the blue-book, *Return: Ionian Islands, 11 March 1853*, and by the two pamphlets for and against his administration, *The Ionian Islands under British Protection*, and *The Ionian Islands: What they have lost, &c.*, by G. F. Bowen and G. D. Papanicolas respectively. The strange punctuation has been preserved; the foot-notes are mine.

WILLIAM MILLER.

Private.

Palace,
Corfu.

April 21, 1850.

My dear Lord John,

It is always a great comfort to me to get even a line from you, when difficulties occur, and I must make up my mind to plenty of them, before these People are taught to understand the rights conceded to them, or to exercise them with moderation, and common sense. I hope, however, that you will find that, during the first month of the Session, which has just elapsed,¹ I have not been wanting in the patience, and caution, that you recommend; and though the 'Ionian Colt' has shown more vice, than playfulness, on first turning out, I have managed, as yet, to keep him within decent bounds.—Indeed, I should be ashamed of my education under you,² if I do not manage, let what will happen here, to keep myself so far in the right, as to shew to the world that, before coming to a Pro-rogation, should this be inevitable, I have exhausted everything, that

¹ The first reformed parliament had met on 20 March.

² Ward had been an advanced liberal member for St. Albans and Sheffield, and secretary to the admiralty (1846-9) in Russell's administration.

reason, and moderation, can suggest, in order to make the new system work. On the other hand, you will, I am sure, do me the justice to bear in mind, that I am dealing, here, with the very men, who were banished by me, as conspirators, in Sept^r last, and who are now conspiring again, with the certainty of impunity, in their character of Deputies, and the hope of revenge. Dr. Zervò ¹ read, the other day, for 3 mortal hours, a Petition full of the most atrocious calumnies respecting my conduct in Cephalonia, but at the same time, vindicating it, (unintentionally,) by proclaiming his own participation in the movement, which, he said, was simply 'the expression of the Popular Will'. The Petition concludes by demanding *from the British House of Commons*,—not the Queen,—two things, 'National Independence', and 'a pecuniary indemnification for the losses & sufferings, sustained by Dr. Zervò, in his country's cause'. The Assembly has referred the matter to a Committee, which will, I hear, make a tolerably judicious, Report. I wish, however, that these men had had the honesty to declare their sentiments a little sooner. It would have given more of a *Political* character to the outbreak, and enabled me to deal with it in a different way; for my great difficulty in modifying the Sentences of the Courts Martial, was, that they were passed upon men, who had committed atrocious crimes, without even the pretence of a Political object to cover the violation of Social rights. I begin to think that Vlacco ² was the honestest man of the whole crew.

You will see with pleasure the refusal, by 27 Members, out of 36, of permission to discuss a motion by Tipaldo Giacomato,³ (a naturalised Greek citizen, as I am assured, though I have not yet got the proofs) for the Union of these Islands with Greece. This I *must* have met by a Prorogation, had it been brought forward; & the knowledge that the Proclamation was actually signed, had probably, some effect upon the decision come to, the night before the motion was brought on. Still, it was their own doing, without remonstrance, or open threat, from me. You are aware, of course, that, under the Constitution, I have the power of proroguing for six months, during which time the Payments, under the old Civil List, go on, & there is a precedent for a second Prorogation of similar length. The weapon, however, is one, which it is most undesirable to use, & which you may depend upon it that I will not use, unless placed in a position, that leaves me no choice. My object is to get through the Session, *somehow*, and I think that I shall do so, unless the Party opposed to me here,—& only opposed to me, because they are opposed to British connection, altogether,—should find in the House of Commons a large amount of sympathy, and support. The consequences of this, would be incalculable; and, though I should be the last to advise you, my dear Lord, to retain these Islands, should it be the general wish of their inhabitants to see them annexed to Greece,—in the present state of Opinion here,—with

¹ Elias Zervos, radical politician and journalist from Cephalonia, took part in the revolt of 1849, four times arrested and imprisoned, president of the Ionian chamber in 1860 (Rangabé, *Livre d'or de la noblesse Ionienne*, ii. 695).

² One of the ringleaders of the revolt in Cephalonia; executed in October 1849.

³ The real name is Georgios Tipaldos Jacovatos. A radical from Cephalonia, who had lived at Patras. After the union he resigned his seat in the Greek chamber, because opposed to the union of the Ionian church with that of Greece (*ibid.* ii. 582).

the mass of Property, and intelligence, on our side,—consigned, indeed, to momentary inaction, by the Reforms forced upon them by Lord Seaton, but regarding as the greatest of calamities, the idea of a possible withdrawal of British Protection,—I cannot conceive an Act, that would be fraught with greater evils here, or that would be more discreditable to us.

My own conviction is, that it would be followed by a sort of dissolution of all Society here ;—that it would let loose the spendthrifts, & cut-throats, not merely of the Islands themselves, but of the Continent, upon all, who have any thing to lose ;—and that before a year was over, Russia would be called in, to arrest evils, which Greece in her present condition, would have no power to check. Depend upon it, you will see this feeling gradually assume a very decided shape. The Moderate Party is beginning to organise itself in all the Islands. Count Lunzi,¹ one of the wealthiest Proprietors, & now Regent, of Zante, is establishing there a Local Press. Count Carruso,² Regent of Cephalonia, is doing the same at Argostoli. We shall have, tomorrow, the first number of a Paper³ established by the President, the Senate, and some of the principal Landowners, of Corfu ;—and in the Election, that has just taken place for the vacancy created by Cavaliere Damaschino's⁴ nomination to the Senate, Mr Poffandi, the Agent of the Grande Fratellanza,⁵ at Athens, who was brought forward upon the united interest of the 'Patris'⁶ Party, and the Cephaloniot Republicans, has been beaten by nearly two to one.

Give me *time*, therefore,—trust me,—let me have, occasionally, your support in the line of policy, which I have ventured to trace out,—and you shall not be disappointed with the issue. But recollect that I have to deal, at this moment, with reckless opponents, and a most unscrupulous, Press ;—that the majority is still weak, & wavering ; and that I can only cure its timidity by shewing, that when I am *right* in my differences with the Assembly, which I hope you will think that I have been, in all our disputes hitherto, my conduct is approved, & concurred in, at home.

Believe me, My dear Lord, ever,
Your Obliged and Faithful

H. G. WARD.

I trust that Lord Cosmo, to whom we beg to be most kindly remembered, has by this time, reached England safely. I was very glad to see his arrival in Paris.

¹ Count Nicolò Lunzi, brother of the historian of the Ionian Islands, Count Ermanno (Rangabé *Livre d'or de la noblesse Ionienne*, iii. 133).

² 'A devoted, but very unscrupulous partisan of the Protectorate ; the unpopularity of which he, by his conduct, very greatly contributed to increase' (Viscount Kirkwall, *Four Years in the Ionian Islands*, i. 199). Rewarded by the presidency of the senate.

³ 'Ο Φίλος τοῦ Λαοῦ, started 21 May 1850.

⁴ Vice-president of the senate ; later its president and member of the supreme court.

⁵ Subsequently deputy for Corfu, but banished for participating in a secret society in Epeiros and Italy, the Μεγάλη Ἀδελφότης, whose aim was war with Turkey (Chiotēs, *Ἱστορία τοῦ Ἰονίου Κράτους*, ii. 180).

⁶ The *Patris*, a Corfiote newspaper in Greek and French, founded in 1849 by P. Brailas and N. Zampeles.

Private.

Palace,
Corfu.

Jany. 4, 1852.

My dear Lord John,

I send you the Proclamation, by which I have dissolved the present Parliament, and sincerely hope that it will meet with your approbation. I have done my best to make it as clear, but as conciliatory, as possible ; and, with regard to the High Police power, you will find that I have been particularly guarded. Nobody can pretend to expect that we shall give it up, unless we are perfectly satisfied with the substitute provided by the Assembly ; and even then, we shall have a year to see how the new Law works, before it receive the Queen's final assent.

I have every reason to be satisfied as yet with the step thus taken, and with the effect produced by the Proclamation. Preceded, as it was, by measures of necessary severity, which, it was known, had received your approbation, and coming, as it did, just after the changes in France, which have given a terrible shock to the faith in Popular rights, & Democratic institutions, it found all classes disposed to hail with gratitude, and surprise, the announcement of Her Majesty's liberal intentions.

I do not say that the feeling will last ; but, for the time, it has all the appearance of being both genuine, and general ; and if it only last long enough to secure me a good Parlt, we shall have accomplished all, that could, reasonably, be expected.

At present, appearances are most favourable. In Corfu, St^a Maura, and Cephalonia, men distinguished both by their property, & their good sense, have come forward as *Gov^t* candidates, with every prospect of succeeding, and are acting frankly together, in the spirit of my Proclamation. In Corfu, upwards of 1000 persons attended the Leveè, on the 1st Jan^y, and if you had heard the warmth, with which ' the Queen ',—and, ' the Queen's Gov^t ',—and ' British Protection ', were toasted, spontaneously, by my guests in the evening, you would have imagined that there never was a more attached, or loyal, people.¹ The feeling in Corfu, however, has always been better than that of the other Islands, and the popularity of ' L'Amphytrion, chez qui l'on dine ', has nothing in it at all surprising. Still, the thing looks well. Many difficulties are already surmounted ; and I have good hopes that, on the 4th, or 5th, of Feb^y, I shall be able to give you a good report of the result of this attempt to realise the hopes, which you held out, in 1839, in your celebrated letter to the Ionian People.² If it fail, it will be some consolation to reflect, that they all now admit that England has done her part, and that their own incapacity for self-gov^t will stand confessed, if they fail in making a good choice of their next Representatives.

Your old friend Mustoxidi,³ now known to all Parties as ' the Jesuit ',

¹ Dusmani, *La Missione di . . . Gladstone nelle Isole Ionie*, p. 274, gives the text of the speeches on this occasion.

² Of 21 December 1839, published in the blue-book, *Ionian States*, 22 June 1840, which also contains Mustoxidi's *Memorial*.

³ Andrea Mustoxidi, the eminent Corfiote historian, author of *Delle cose Corciresti* and *Illustrazioni Corciresti* ; an official in Greece under Capo d'Istria ; the allusion is to

is the only exception, in Corfu, to the general unanimity. His faculties are no longer what they were, and his inveterate love of intrigue makes it impossible to work with him. But his pride, & his ambition, are insatiable, and he is doing all he can to impede the working of the present scheme, because he was not the *first* person consulted respecting it. Happily, his influence is on the wane, and his return improbable, should he come forward,—which he has not yet done,—as a Candidate.

Believe me, Dear Lord John, ever,
Most Truly, and Gratefully yours,
H. G. WARD.

Private.

Palace,
Corfu.
Jany. 6, 1853.

My dear Lord John,

I should have written to you, the moment I received the report of what you said upon Hume's Motion, had I not been under strict orders to abstain, as much as possible, from the use of pen, and ink, as I was recovering, at the time, from a sharp attack of the Fever, which has been so general at Corfu, this Autumn. I need not assure you how much I was gratified by your observations; for, in addition to the value, which I must always attach to your good opinion, a man in my position can have no higher reward, when unfairly attacked, than to find the Leaders of the two great Parties in England coinciding in the belief that he has acted with prudence, and moderation.

We have not yet received the news of the final arrangement of the New Administration,¹ but your cordial alliance with Lord Aberdeen, Graham, Gladstone, & Palmerston, which was announced in the Times of the 25th, appears to present a combination, that must, in a little time, prove irresistible. True, you have a large, & formidable Minority to deal with; but men, who have given up the principle, that united them, and have been unable to keep the Govt, when they had it, are not likely to be bound together, long, by the feeble hope of regaining it. You will have many converts, upon honest grounds—many more, from fear of a Dissolution.

I know not, yet, who my future Master is to be, but you will, I know, not think the worse of me for saying that, be he who he may, I shall deeply regret Sir John Pakington,² from whom I have received every mark of kindness, and confidence, during the whole course of my Official relations with him. He came in, at a moment, when he might, with every appearance of fairness have repudiated a man, who had not succeeded in a policy, for which the new Govt. was, in no wise, responsible. He preferred the more generous course of enquiring whether that policy had originated with me,

his visit to London and *Memorial* of 1839 to the colonial secretary, and to his pamphlet, *Al dispaccio dei 10 Aprile 1840 da Sir Howard Douglas . . . Confutazione* (Malta, 1841). Douglas had denounced him to Russell in Parliamentary Papers of 22 June 1840; Russell rebuked him in his dispatch of 4 June 1840. Seaton made him 'Historiographer of the Ionian Islands' with a pension, which Ward withdrew, because he had 'openly joined the Greek Annexionist party' (*The Globe*, 19 January, 21 February 1853). He denied this accusation in a letter to Ward of 3 February 1853.

¹ The Aberdeen cabinet.

² Colonial secretary 1852.

or whether I was suffering for the sins of my predecessor, and, having satisfied himself upon this point, he has undertaken my defence, with a gallantry, for which I cannot feel too grateful.

And now, permit me, my dear Lord John, to tell you, after another year's experience, that we are trying to work here, an unworkable System. I understand the motives that induced Lord Grey,¹ upon the proposition of a Tory Peer,² to suppose that you could engraft the Ballot, and free Representation, and a Free Press, and the control of their own Finances, upon Sir Thomas Maitland's Constitution, and yet continue to maintain, here, British Protection. But Lord Grey was wrong. You cannot govern Greeks like Anglo-Saxons, I told him so, in 1849. I repeat it now, after trying the experiment for 3½ years, during which the policy of the Queen's Govt. has been that of unvarying concessions. But concession, here, is weakness. You want the two elements of the Representative System,—knowledge & principle.—You want that mass of *Neutral Opinion*, which, in England, restrains the passions of political men, and forces them to give, at all events, the semblance of Public interest to their quarrels. In these Islands, the whole thing is a personal struggle for place, and pay, and power. The only honest feeling, is the dormant feeling among the Peasantry, in favour of their Nationality, and their Religion; and this is appealed to by a needy, and unscrupulous, *Noblesse*, as a means of overturning whichever Party may happen to be in power.

I do assure you that no words can paint the universality of the corruption, with which I have to deal, or the impossibility of basing upon it any permanent System. They feel this, themselves. Every man admits, in private, that we have begun at the wrong end, by giving the Secret Vote to a People which is totally devoid of the idea of political responsibility; and though I was Grote's successor in the House of Commons,³ I confess that the Ballot is the most infallible receipt for demoralising a young Constituency. The Contadini promise everybody, and betray everybody. The Govt⁴ is sold by its own Employés. I trust to nothing but the result, and generally find that, whatever is least expected is most probable. The Ionians, however, have this excuse. They are not an Autonomous people; and if those, who govern them, have chosen to give up *power*, they have little right to complain, if it be used against them.

You may think, perhaps, that I write this with some bitterness of feeling, because the Govt⁴ has been beaten in the last Corfu Election.⁴ I only regret the result, because it proves the hopelessness of succeeding in the policy, which I have, myself, recommended both to Lord Grey, and to Sir J. Pakington, for England, having once entered upon this course, I have always felt that, as a great Constitutional Country, She could not go back, until the new Policy had had a full, and fair, trial. But the time is come, when you must think seriously of a remedy, if it's application be still practicable. The Constitution, as it stands, is only made to work by it's anomalies,—the High Police power, and the right of Prorogation. I may check attempts at mischief, by these,—but I can *do* nothing. The legislative machinery is as nearly at a dead lock, as possible. And we only want

¹ Colonial secretary 1846-52.

² Lord Seaton.

³ Ward had always supported the ballot, Grote's pet measure.

⁴ By the election of Poffandi and Arvanitakes (*Chiotas*, ii. 322).

a little violent declamation in the House of Commons, to make Constitutional Gov^t here, impracticable. You will see, by the inclosed message, the lengths, to which matters have been already carried, the Gov^t having been beaten solely by the union of the Venetian Noblesse, headed by that old mischief-maker, Mustoxidi, with the 'Unionist' Party. I hope that you will approve of the mode, in which I have treated him ; ¹ and still more, that you will be disposed to consider the possibility of a permanent remedy, when I am able to submit it to you.

Believe me, My dear Lord John, Ever

Most Truly & Gratefully yrs,

H. G. WARD.

The Lord John Russell

&c. &c. &c.

¹ Depriving him of his pension as historiographer (Chiotes, ii. 323).

Reviews of Books

Cyprianische Untersuchungen. Von HUGO KOCH. (Arbeiten zur Kirchengeschichte. Herausgegeben von K. Holl und H. Lietzmann.) (Bonn : Marcus und Weber, 1926.)

DR. KOCH is well known to students of early church history for previous work of his on St. Cyprian ; and the present volume more than sustains his reputation. Its contents are perhaps a little miscellaneous ; but the main substance of it may be regarded as consisting of a detailed inquiry into the date and, where necessary, the genuineness of eight out of the twelve Cyprianic treatises (that is to say, the treatises printed in the body of Hartel's text) and of four of the pseudo-Cyprianic treatises, *De laude martyrii*, *Ad Novatianum*, *De montibus Sina et Sion*, *De singularitate clericorum*. Dr. Koch's main criteria for establishing nearness of date are community of phraseology and community of biblical quotations, and in a writer so methodical and so unoriginal as Cyprian these are sound tests. As a striking illustration of this method let me cite his discussion (pp. 102 ff.) of the phrase *catholica ecclesia* in Cyprian. It occurs in every letter, from ep. 44 onwards, dealing with the Novatianist schism : it does not occur (most of us will be surprised to learn) in the treatise on Unity, and the title of that treatise is wrongly given by Hartel as ' *De catholicae ecclesiae unitate* ', for the word ' *catholicae* ' is omitted in the Cheltenham list of the Cyprianic writings of A. D. 359, and in the manuscripts G and R : Koch might also have added the Reichenau manuscript of Cyprian from the catalogue of A. D. 822.¹ But he goes too far in trying to minimize the antiquity of the phrase ' *catholica ecclesia* '. The common usage of ' *catholica* ', without the noun, for ' the Catholic Church ' goes back, as he admits, to the Muratorian Canon ; but surely the complete phrase ' *catholica ecclesia* ' must have been well established and familiar before it could be so abbreviated.

My own studies have been devoted specially to the two collections of scripture proofs, the *Testimonia ad Quirinum* and *Ad Fortunatum de exhortatione martyrii*. The latter book Koch places, with almost a superabundance of irrefragable argument, in the spring of A. D. 253, when a renewal of persecution seemed imminent under the emperor Gallus ; though I am sure he is wrong in refusing to admit a reference to it in the words of Cyprian's biographer Pontius, ' *quis martyres tantos exhortatione diuini sermonis erigeret ?* ' Similarly he is beyond question right in treating all three books of the *Testimonia* as genuine, and in putting them all before

¹ Becker, *Catalogi bibliothecarum antiqui*, p. 7 ; Lehmann, *Mittelalterliche Bibliothekskataloge*, i, p. 246. So too the *explicit* in the Oxford MS. O (MS. Add. C. 15).

any of the treatises written after the close of the Decian persecution ; but I think he under-estimates the amount of the difference, slight but real, between the first two books and the third, and I suspect that the difference must be accounted for by attributing the first two books to the year before the outbreak of the persecution in January A. D. 250, and the third to the time of Cyprian's retirement from Carthage in the year 250 itself.

While I am sure Koch is right in refusing entirely to recognize any other distinction as made by St. Cyprian among the lapsed than that between ' sacrificati ' and ' libellatici ' (pp. 151 n., 153 n.), I do not think he is equally successful in his treatment (p. 158 n.) of the terms ' confessor ' and ' martyr '. Cyprian seems to me in substance to have made always the same clear distinction between the ' confessor ', who had confessed Christ before a magistrate, and the ' martyr ', who had either died in prison or in exile as a consequence of his confessorship or had suffered actual torture or death for the Name.

Perhaps it is querulous to desiderate more when Dr. Koch in this volume has given us so much. But I think the truth does need emphasizing that we cannot get very much farther in the criticism of the Cyprianic writings till we possess a better edition than Hartel's ; and indeed Koch's preface does more or less admit this. For the letters Hartel's edition is passable, though the text of ep. 4, for instance, should be completely recast in accord with the evidence of the Vatican MS. Reginensis 116 (R). But for the treatises (at any rate for those of them that I know best) Hartel is really deplorable : every one recognizes this for the *Testimonia*, but it is almost equally true of the *Ad Fortunatum*, and even for the other treatises his apparatus is based on far too few manuscripts, and his collations, where I have tested them, do not reach the modern standard of accuracy.

But I must not end on the note of Hartel's demerits. It is rather of the merits of Dr. Koch, working, as he has had to do, on an indifferent text, that I prefer to speak. I have learnt a great deal from his book.

C. H. TURNER.

Chartulary of Winchester Cathedral. Edited in English by Canon A. W. GOODMAN, B.D., F.S.A. (Winchester : Warren, 1927).

THE term cartulary was used in the middle ages, and still is, very loosely. Most commonly it was a transcript of the title-deeds to property, and in what may be called the best cartularies these are carefully grouped under the various manors. According to this definition, the book Canon Goodman has calendared is both less and more than a cartulary : less, because it lacks this systematic arrangement ; more, because it contains many important documents which have no direct concern with land. In the first quire, for example, there is a refreshing memorandum that Blacheman Aurifaber, a monk in the permanent service of Bishop Walkelin, burnt one charter, fraudulently altered the text of another (of William I), and stole a book of St. Athelwold written at Glastonbury by his own hand. ' Six months and three days later his neck was wrung by an evil spirit and he was killed on the sea shore at Byterne ' (no. 41). Another interesting entry (no. 197) describes the misdeeds of Peter of Basing, an apostate monk who ' left the monastery without leave, throwing off his monk's habit, and has carried

away with him goods worth two hundred pounds of silver and more'. Again, nos. 121-3, to give an instance of a different kind, deal with Edward III's attempt to 'nominate' a monk, and of the prior and convent's successful resistance, 'inasmuch as the number of their monks is already complete and the strictness of their rule forbids that they should add to it'. There are many more such entries of domestic interest, and it may be said of this book—what one would hesitate to say of most cartularies—that it contains the raw material for the history of the bishop and priory for at least two centuries. In a long and valuable introduction Canon Goodman calls attention to most of the more attractive documents, some of which have an importance wider than Winchester or even general monastic history. These include some hitherto unprinted parliamentary petitions of 1340, the letter of excommunication from the chapter of Christ Church, Canterbury, to Bishop Grosseteste, new documents about Adam of Orilton, and two fresh accounts of the battle of Poitiers. We can, therefore, agree gratefully with the editor that 'it was high time the substance of its contents should be made known', more especially as he has done the work very thoroughly, and with a happy knack of commenting well on the right passages.

In what is, perhaps, the best section of the introduction, the editor gives a full account of the manuscript. It was compiled in the first half of the fourteenth century and consisted originally of forty-three quires. The quires are important, for the arrangement of the book depends on them, and they seem to give the key to the way the original records were stored. Each quire is apparently a transcript of a single bundle of deeds dealing with kindred subjects. This simple arrangement, by which each quire was, in effect, a very rough subject-heading, is reminiscent of the Lichfield 'White Book',¹ and is historically interesting. It had, however, obvious inconveniences which were early felt. Before the end of the fourteenth century the documents were numbered straight through the book, and a *tabula* of them, each item with its number against it, was prefixed to the book. Canon Goodman, who has wisely retained the double arrangement, omits this medieval index, but gives instead a careful modern one, which makes few slips and would have avoided even these by a more systematic identification of the place-names. It remains to add that of the original forty-three quires only twenty-three remain, the rest of the book having apparently strayed from custody in the first half of the nineteenth century.

In making his calendar Canon Goodman has had his eye on a wider public than a book of this kind usually reaches. He has, therefore (with certain exceptions), calendared every document in the cartulary, although many have been calendared or printed in full elsewhere. Secondly, he has given an English abstract of the more important documents (again with a few exceptions) in preference to the full French or Latin text. There is something to be said in these days for both principles, but on the whole it would have been sounder policy, I think, to have omitted the one class of documents, and to have printed in full the other. This course would have heightened the value of the book for scholars.

These matters apart, the editing has been very well done. The labour

¹ *Ante*, xlii, p. 275.

must have been immense, and something of the enthusiasm which has sustained the editor is agreeably communicated to the reader. For this reason as well as for the importance of its contents the book makes very good reading. Moreover, it gains very much in value and interest from Canon Goodman's expert knowledge of Winchester topography.

In a book of this size, which touches every side of medieval life, a good many difficulties of necessity remain unsolved. One of the most curious relates to the mayor and constables of the Staple (nos. 352, 353), officers apparently not mentioned in the Winchester town records, since they were unknown to Mr. Furley. There is, nevertheless, clear and full external evidence of their existence; for not only is Winchester mentioned in the statute of the Staple, but a full series of the certificates of election which were rendered annually to the chancery is preserved at the Public Record Office. Again, no. 467 (which, by the way, is printed in Round's *Ancient Charters*) seems to relate not to Morden in Surrey (as Mr. Round says) but to Steeple Morden in Cambridgeshire. It may also be noted with regard to no. 519 that there is nothing unusual in writs being dated at Westminster in Edward III's reign, when the king was away from London.

There are a few slips and omissions. No. 546, it should be mentioned, is calendared in the *Calendar of the Charter Rolls*; the names of the witnesses to no. 431 have gone badly astray; the writ mentioned in no. 150 is on the Patent Roll and is not under the privy seal, which was only the warrant for it. These are the only errors of importance I have noticed in a book which calendars more than 500 documents. V. H. GALBRAITH.

Year Books of Edward II. Vol. ix. 4 Edward II, 1311. Edited by

G. J. TURNER. Selden Society, vol. xlii. (London : Quaritch, 1926.)

Year Books of Edward II. Vol. xiv, part ii. 6 Edward II, 1313. Edited by

W. C. BOLLAND. Selden Society, vol. xliii. (London : Quaritch, 1927.)

MOST of the cases in these volumes are of a rather technical character, although occasionally the editors discover in them some more general problems. Thus the case of *Rex v. Hothwait* in Mr. Turner's volume (pp. xx, 96) raises important questions concerning the nature of a record and the way in which the plea rolls were compiled. A party here alleged that in previous litigation he had put forward an exception, although on examining the plea roll no such exception was to be found. He therefore put himself on the record of the justices, two of whom 'recorded' a long passage which the plea roll should have contained but did not. Mr. Turner suggests that the justices derived this information from temporary records representing a stage prior to the enrolments which we now possess. Even so the fact remains that the plea roll was seriously at fault in omitting this matter which the justices had to supply by an unusual process. It is less certain, perhaps, whether there always were written temporary records regularly kept to which recourse could be had in an emergency such as this. There are a few cases which may be taken as indicating an unwritten record,¹ while it was a well-known privilege of London that the recorder

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iii, p. 275.

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¹ *Year Book*, 21 & 22 *Edw. I*, p. 244; *Year Book*, 30 & 31 *Edw. I*, p. 239; with which compare *Year Book*, 11 & 12 *Edw. III*, p. xxxiii and *Rot. Parl.* i. 84-5. For documents and notes used in compiling rolls see Tout, *State Trials of Edward I*, p. xiv.

should 'record' the custom of the city by word of mouth. Mr. Turner has amply shown the need for investigating the aims and methods of the enrolling clerk. Another important matter discussed by him is the *nisi prius* system (which he finds worked rather indifferently) and the origin of the sergeants' exclusive right of audience in the court of common pleas. There are difficulties in the way of Mr. Turner's theory that as early as Edward I's reign there were advocates who could address juries but could not address the common bench: if there had been a special branch of the profession devoting itself to jury work, we should not expect to find that complete absence of a law of evidence which Mr. Turner has to admit (p. lvii). For the early fourteenth century there is the grave initial difficulty of deciding who were and who were not sergeants in the absence of official lists or appointments. The case of *Bydyke v. Kilburn* (pp. xxii, 39) is rightly noticed as illustrating the elasticity with which statutes were interpreted. The statute of Gloucester said that judgements in actions of *cessavit* should be absolute; did this mean that there was no way of giving remedy when the judgement had been obtained collusively? The point was declared to be 'novel' by Bereford C.J., and although one manuscript gives a solution on lines which had in fact been laid down in an earlier case,¹ it has so far been assumed that relief was denied.² Mr. Turner points out another curious feature, viz. that the writ was framed on the Statute of Gloucester, c. 3 (which in fact did not apply to the situation) instead of Westminster II, c. 3, which more nearly fitted it. *Boydyn v. Brun* (pp. 136-9) gives an interesting glimpse of the bench helping counsel to 'lick his plea into shape' (as Maitland put it) up to a certain point beyond which the court would not go: 'trust no more to the favour of the court,' said Bereford, 'but be advised about your plea, for the court from now will record how you reply.' Finally, the pamphlet-theory of year book origins receives further support from an examination of the order in which cases occur in the various manuscripts.

Dr. Bolland's volume contains much interesting matter, some of which needs further explanation. He twice tells us that he could not understand *Anon. v. Abbot of Fountains* (pp. ix, xl, 134, the record of which must almost certainly be that printed in p. xli, n. 2); yet surely this case, at least, is simple enough. The plaintiff unluckily has to sue a writ of right against the abbot, who imparls (in order to get a short delay) and returns with a champion, ready to tender the general issue of the better right. Once tendered, the demandant would be bound to accept this issue, and would be completely debarred from pleading special matter, while worst of all, if the tenant chooses (as here he did), he can compel the demandant to submit to trial by battle, instead of the grand assize. However good the demandant's case may be, the abbot—*beati possidentes*—can force him to the chances of a fight. Toudeby therefore advised his client not to appear after the imparlance. True, the case goes by default, but it can be brought up again at any other time if some future abbot should seem honest enough to argue the merits of it. If the demandant had been in court when the

and *Year Book*, 1 & 2 *Edw. II*, p. 55. *Bracton's Note Book*, case 139, has an important bearing on the problem.

¹ *Year Book*, 30 & 31 *Edw. I*, p. 450.

² Fitzherbert, *New Natura Brevium*, 193, I (citing this case).

issue was tendered, he could only accept it and trust to the luck of battle, or default, whereupon an irrevocable judgement would be entered against him. In another case (p. 19) we find Inge J. saying to Sutton: 'If the sheriff returned the extent badly and falsely, sue against him, for you will get no advantage out of *vostre protestacion*.' Any of the old books on pleading would have explained the nature of a protestation, and saved the editor from translating it as 'all this mere talk'. Another mistranslation occurs where Denham advances two arguments, introducing the second by the words *et dautrepart*, 'and moreover'; Dr. Bolland rendered this by 'the other side', and ascribed Denham's second argument to his opponents, thus making it nonsense (p. 79). In translating the record of another case (p. 58) the editor supplied an attorney for the plaintiff, although from the roll it is evident that the plaintiff appeared in person (as well she might) without an attorney. On p. xxvii the dating of the Statute of Marlborough twice as 1287 is doubtless a misprint.

There are several cases of special interest. *Stone and Ellis v. Corbet* is one of the rare reported lawsuits in which a mesne lord successfully enforced his right of escheat when his tenant alienated land into mortmain against the statute. Two cases illustrate escheat for felony. In the first (p. 77), it is held that conviction is not necessary if there is some other record of the felony (the felon had broken out of prison, was recaptured, and summarily beheaded, of which the coroner's roll is sufficient record); in the second, novel disseisin was brought by a son against his lord who had ejected him from his heritage on the grounds that during his father's lifetime the son had been outlawed for felony (although he was later restored to the peace). Staunton J. held that the son had lost all his rights at the time of the felony, and had become 'a new man' when he was restored to the peace. During his father's lifetime he had no interest in his father's lands, save a mere expectation, and so lost nothing by the felony; so he can inherit after his restoration to the common law.¹ Two anonymous cases show the changing scope of the assize of novel disseisin. In one (p. 85) executors recovered after a disseisin done to their testator who held by statute merchant; in the other (p. 87) a husband, after the death of his wife, recovered on a disseisin done to his wife of lands of her heritage. In neither case had the demandant been seised or disseised, for the executors had never gained possession, and a husband alone has no seisin (according to Bracton, f. 168 b) in his own right of his wife's inheritance during her lifetime. Both cases would have been rank heresy to Glanvill and Bracton.

THEODORE F. T. PLUCKNETT.

Calendar of Fine Rolls, 1377-83. Vol. ix. (London: Stationery Office, 1926.)

In this volume Mr. Dawes makes accessible for the first six years of Richard II's reign, with every aid that excellent editing and indexing can give, the contents of the last great series of Chancery rolls hitherto unpublished for this period. Patent rolls, Close rolls, Charter rolls, have been calendared at

¹ There are other manuscripts which place this case in the reign of Edward I, and ascribe a long reasoned judgement to Hengham. See Vinogradoff, 'Ralph of Hengham', pp. 193-4, 196 (in *Essays . . . presented to T. F. Tout*).

various dates since 1895 : now come the Fine rolls. Certain subjects, of course, are by the very nature of these last unlikely to leave traces upon them. The historian of John Wyclif, for example, will find nothing to his purpose here, except two mere references (pp. 95, 134), to add to those relating to Robert, probably John's nephew, which Dr. Workman has so carefully collected in his recent biography of the reformer (p. 45). A little is added to the already abundant material for the history of the great revolt of 1381 in the shape of protests from the bishop of Ely against the escheator's encroachment on his liberties when seizing the property of insurgents (p. 265), or the complaint of Elizabeth, heiress of William de Latimer, that she cannot obtain her inheritance ' chiefly because some of the escheators of certain counties in which the said lands are were killed in the recent furious disturbance within the realm, while the other escheators of the same counties by reason of the same disturbance have not dared to take inquisitions by pretext of the king's writs of *diem clausit extremum* ' (pp. 264, 266). The historian of finance or administration, of course, must always put the Fine rolls high on the list of sources to utilize. The present volume is full of instructions and commissions to collectors, as one financial expedient after another was tried in a period of desperate stress, whether the two tenths and fifteenths of 1377 (pp. 52-9), the graduated poll-tax of 1379 (pp. 139-52), or its notorious successor in 1380 (pp. 223-34, 235-8, &c.). The ups and downs of the fortunes of Alice Perrers, from the confirmation by Richard II's first parliament in December 1377 of the sentence against her which had been reversed by the last parliament of Edward III, up to the revocation of this condemnation in December 1379, and the grant of all her lands to her husband William of Windsor in March 1380, may be traced in numerous entries. Perhaps the most interesting is that of 26 December 1377, in which it is reported that Alice's forfeited goods in London are ' deteriorating by rotting and otherwise owing to their long keeping ', so that the sheriffs are ordered to sell them ' as dearly as possible ', giving preference, however, to William of Windsor as a purchaser, if he will bid as high as anybody else (p. 62). The horrible tale told in the *Chronicon Angliae* of Edward III's dying days, and of how Alice made it plain to all that she had loved him *non propter se sed propter sua* by stealing the very rings from his helpless fingers, is recalled by the appointment in December 1377 of a commission ' to survey all the jewels and other goods which belonged to Edward III on the day of his death, in whosever hands they may be ', and to admonish those in whose keeping such jewels now are to ' disclose the names of all other persons who since the death of Edward III have . . . in their keeping . . . any of the said jewels ' (p. 50). Incidentally it may be noticed that the more record material is consulted, the higher is raised the reputation of the chronicler Thomas Walsingham as a writer of history based on sound evidence. His long account, for example, of the quarrel in 1380¹ about the methods used by Henry Despenser, bishop of Norwich, to collect a clerical subsidy in Norfolk, in which for the ecclesiastics the main question was whether the prior of Wymondham was or was not, as the abbot of St. Albans claimed, exempt from the bishop's jurisdiction, while for the king the chief necessity was that the collection should not be hindered by controversies, finds

¹ *Gesta Abbatum* (Rolls Series), iii. 281-4.

almost verbal confirmation in the royal instructions calendared on pp. 199 and 207-8 of the present volume. Despensers were not, of course, the only great man of the time who was slack, defiant, or dilatory in the execution of royal orders. On 25 June 1380 the king wrote to Adam of Houghton, bishop of St. Davids, who had been chancellor from January 1377 to October 1378, and was now responsible for the collection of the clerical subsidies due from his diocese, but had 'hitherto avoided doing anything in the matter', to express amazement that 'a man who has been his principal officer and the principal officer of his grandfather . . . should care to demean himself thus' (pp. 208-9). Possibly departmental traditions, especially among the lower ranks of the 'civil service' of the time, may have gone some way to redeem the vagaries of great men in whose lives administrative activities played only a subordinate part. This volume is full of information about administrative appointments. One such, of John of Ravenser to be keeper of the hanaper, raises a point of special interest. As Sir Henry Maxwell Lyte has recently noted,¹ Richard of Ravenser had in 1363 received exceptional permission to combine the office of keeper of the hanaper with that of a greater clerk of the Chancery. Our roll shows this arrangement ending on 24 February 1379, when Richard gives 'the king to understand that, being otherwise variously employed in the Chancery, he is firmly resolved to resign the said office to the intent that John de Ravenser, his kinsman, may hold the same in the same manner as he himself did in times past' (p. 130). The emoluments were at any rate not to be lost to the family.

HILDA JOHNSTONE.

Henry of Pytchley's Book of Fees. Edited by W. T. MELLOWS. Northamptonshire Record Society, vol. ii (1922-4). (Kettering: Printed for the Society, 1927.)

THE second volume of the young Northamptonshire Record Society, founded in 1920, is somewhat late in appearing, but the delay is amply justified by the magnitude of the task which has been accomplished by the editor in the scanty leisure of a busy professional life. We may now look forward to the resumption of his *Local Government of Peterborough*.²

The 'Liber Feodorum', which is here published with a translation and elaborate introduction and commentary, forms part of a register of the abbey compiled between 1391 and 1405 by one of its monks, Henry de Pytchley (not to be confused with his namesake whose name is attached to an earlier register), chiefly from material gathered half a century before to meet an attempt to levy the aid for the knighting of the Black Prince upon the demesnes of the abbey as well as upon its knights' fees. Owing to its great genealogical interest the history of these fees has been chosen for separate publication. Pytchley takes in turn each of the forty fiefs held of the abbey, containing from one twenty-sixth of a knight's fee up to six fees and about seventy in all, and enters the relevant extracts from his materials in an order which is fairly consistent but ignores chronology, appending precise references to each. With the exception of Domesday Book, the Testa de Nevill, and the Red Book of the Exchequer, these references are all to older registers and cartularies of the abbey. Few of

¹ *The Great Seal*, p. 286.

² *Ante*, xxxviii. 154.

the great monasteries had a finer series than the twenty-three which Mr. Mellows enumerates, and (save two not known to survive) describes with a particularity which will make his list extremely helpful to historical students. The conversion of the abbey into a cathedral did not save this splendid series from almost complete dispersion. Of the five now in the custody of the dean and chapter, two only have never left their care. One was recovered by Dean White Kennett in 1714; a second, after being restored by Bishop White in 1694, was actually lost again and re-presented by Timothy Neve in 1742; a third, the manuscript from which the *Book of Fees* is printed, was bought at the Fitzwilliam sale in 1918 by the present dean of Winchester and given to the dean and chapter.¹

It will be seen that the editor had a formidable task in mastering this great mass of local manuscript material alone, apart from the general printed sources. The results of this labour are mainly to be seen in the fullness and accuracy of his notes on the various fiefs, which present many knotty points of genealogy, but he has not been unrewarded by more spectacular corrections of statements which have been endorsed by the best authorities. In the text of Hugh Candidus, the first Peterborough historian, as printed by Joseph Sparke in 1723, a sentence recording the alienation of abbey lands by the first Norman abbot to his kinsmen and knights is followed by a list of the latter which has been accepted as an integral part of the chronicle by all writers who have dealt with the knights of Peterborough down to and including Dr. Round, though the thirteenth-century names in the list compelled them to prolong Hugh's lifetime to a date which is utterly irreconcilable with the autobiographical data supplied by himself. He entered the monastery before 1114 and the last abbot under whom he says he lived was deposed in 1175. Sparke, who was registrar of the abbey, based his edition upon a Cottonian manuscript, but professed to have collated the early copies of Hugh's chronicle given by his successive continuators, Robert de Swaffham and Walter de Whittlesey. It is very strange, therefore, that he should not have noted that the list in question does not appear in Swaffham's text, the oldest that has survived. Mr. Mellows shows that it was foisted into Hugh's chronicle by Whittlesey, who took it from a later part of Swaffham's register, and that its date is somewhere about 1252. Two excellent facsimiles from this register supply ocular testimony. Sparke's edition of Hugh was thus ultimately drawn from Whittlesey's register, though it was printed from an 'apograph' in the Cotton collection which Mr. Mellows does not seem to have traced.

As Swaffham's list of the knights of his time was the fullest available and contained in the margin the names of the first feoffees of the various fiefs, Pytchley made it his starting-point in each case, supplementing it with information taken from sources both earlier and later. Swaffham himself seems to have had before him a roll which in its original form recorded the first enfeoffments, but had been revised towards the end of the twelfth century. Neither the original nor the amended roll has survived, but Mr. Mellows has laboriously reconstructed the latter from

¹ It is pleasant to find that the Whittlesey register, which was sold on the same occasion, it was thought to an American collector (*ante*, xxxiv. 583), is now in the British Museum (Add. MS. 39758), which already possessed six others.

scattered extracts in a Peterborough land-register in Cotton MS. Cleop. C. i. His suggestion that the original roll may have been one of the 'rolls of Winchester' referred to in the early twelfth-century Northamptonshire Survey and apparently not identical with the *Liber Wintonie*, i.e. Domesday Book,¹ overlooks the fact that the first must have been a local and the other a national document.

In his most useful list of the Peterborough knights' fees with the title of each fief, the name of each first feoffee, the counties and townships in which the fees were situated, and the number of knights' fees in each fief (pp. xviii f.), the name of the first feoffee is usually taken from Swaffham's rubrics, even when the tenure can, in part at any rate, be carried farther back as in the case of Richard Fitz-Hugh de Waterville, whose father held Addington in 1086, or of Robert fitz Richard (de Lucy), whose father held Dallington at that date. This rule, however, is departed from in the entry of the Wake fief, where the names given are Godfrey of Cambrai, Saxualo, and Robert de Gimiges, the two former, it is conjectured, being predecessors of Hugh de Envermeu, the *primus feoffatus* according to Swaffham. Mr. Mellows here corrects Dr. Round's identification in *Feudal England* (p. 159) of this Hugh with the Hugh who held three hides of the abbot at 'Edintone' in 1086. This was Addington, not Etton, and its holder was Hugh de Waterville (p. 74 n.). For the original Marmion fief Robert Marmion is adopted from Swaffham, with some hesitation because the reconstructed 'Rotulus' gives Roger Marmion. But for this clash, we should have, as is suggested, an interesting confirmation of Dr. Round's conjecture that the Robert Marmion of the Worcestershire Survey was son-in-law of Urse d'Abetot and father of Roger Marmion. Among the many difficulties discussed by the editor is that presented by the accounts of the origin of the Daundelyn or Cranford knight's fee. He accepts Pytchley's identification of the Robert who held three hides in Cranford in 1086 as Robert de Aundely, but admits that in the earliest lists Robert d'Oili appears as *primus feoffatus*. It seems almost certain that they are right, but the unnamed knight who, according to Domesday, held of Robert may have been ancestor of the Daundely family.

Much the most interesting piece of genealogy in these pages is the evidence collected on p. 55 which shows that Sir Robert Thorpe, the lay chancellor of 1371-2, was not a native of Thorpe by Norwich as Foss states, but a scion of a knightly family at Thorpe near Northampton, who down to the end of the twelfth century were villein tenants of the Water-villes of Orton Waterville.

The editor, as far as we have tested his work, has made few mistakes, but we must reckon among them the suggested identification of Walkelin de Arderne with a certain Walkelin Harang, son of — Harang (p. 129). Walkelin de Arderne, as all Cheshire genealogists know, was son of Sir John de Arderne of Aldford in that county. The statement in a note to the Wake fief that Ansford, according to the *Liber Niger* of the abbey, held three virgates disagrees with Dr. Round's quotation of the same passage in *Feudal England* (p. 159), where three carucates is given, but possibly this is a misreading. The combined index of names, places, and matters

¹ On p. 115, where Swaffham has quotations under both titles, the reference is clearly to the same passage, though the editor takes a different view.

seems adequate, though highly compressed in its references to the last. There should have been a cross-reference to the modern form Envermeu from the Euremou and Evermue of the notes. The Eremu of the text (p. 81) is not indexed at all.

JAMES TAIT.

English Monastic Finances in the Later Middle Ages. By R. H. SNAPE. (Cambridge : University Press, 1926.)

THIS contribution to the series of Cambridge *Studies in Medieval Life and Thought* is an essay which won the Prince Consort prize in 1912, and appears fourteen years later, as the author admits, with only a very slight amount of rehandling, confined to certain passages. Since then, some new documentary evidence has been published, of some of which he has taken advantage ; but, even if it has been impossible to complete the work upon the scale which was contemplated, further investigation of recent books might have been made. It was certainly surprising to receive with this volume a leaflet of corrections of an earlier work in the same series, which, although the question of monastic finance is treated in it with elaborate attention, finds no mention in Mr. Snape's text.

At the same time, Mr. Snape's study bears clear signs of the highly intelligent use of the authorities which he has consulted, and his hope that it will prove of some interest to other students of monastic history is not without justification. In 1912 an essay of this type may be said to have broken new ground : it is necessary only to compare the somewhat casual list of Mr. Snape's books of reference with the sources cited in the footnotes to Professor Savine's work on *English Monasteries at the Eve of the Dissolution*, published in 1909, to realize the difference of treatment. In the use of unprinted documents of a particular class, rentals and surveys of property in particular, M. Savine, an experienced scholar whose interest lay primarily in the study of land tenure and agrarian conditions, had the advantage in method over a writer whose studies appear to have been practically confined to printed books. There is no doubt, however, that Mr. Snape, to whom finance is merely one aspect of monastic life, and to whom its effect upon the life of the cloister is more important than its part in the general economic conditions of the country, has attempted to deal with a side of the subject which is still less familiar to the social historian, and has dealt with it with some success. It was not to be expected that, under the sponsorship of Dr. Coulton, his interest should have been confined to figures and balance-sheets ; and he has made competent use of records which, though some of them have been long in print, can still yield much to explorers with a full sense of their significance.

The arrangement of the book is logical, and proceeds from the consideration of the various classes of inmates of a monastery and its organization for financial purposes to that of the nature of its sources of revenue and the channels of its expenditure. This inevitably leads to the question of the debt from which all monasteries suffered to some degree in the later centuries of the middle ages, if not through their whole career, and to a final criticism of the material comfort of monastic life and the relaxation of regular discipline which preceded the suppression of the monasteries. Upon many of the numerous points which are handled in this survey, as,

for example, upon the appropriation of churches and grants of corrodies, both of which are treated at some length, a great deal more might have been said ; but, as a general survey of the subject, it fulfils its purpose adequately. If its conclusions are unfavourable to the ideal pictures of monastic life drawn from Rules and customs, they are stated with perfect candour and fairness ; and there is certainly need for the author's reminder that counsels of perfection by themselves are insufficient authorities for the history of the religious life. In this connexion, however, it is necessary to add that, though the value of such counsels is perhaps literary rather than historical, references to their nature should be accurate. There was, strictly speaking, no Cluniac Rule (p. 28) : the Rule which the Cluniacs followed was the Rule of St. Benedict, and their constitutions and customs should not be described under that title.

It is much to be regretted that the author, in his references to places, makes no attempt to identify them and to give their modern forms. A spirit of topographical *incuria* pervades the book, and the forms given are often corrupt. Thus 'Rutham' (p. 25) should be 'Rucham', i. e. Rougham near Bury St. Edmunds. There is no point in concealing Bicester and Butley priories under the forms 'Burcester' and Butdelle, the latter (p. 61) being taken from a papal indult, a form of document from which very surprising forms can be obtained. Few readers will recognize 'Idelestre' (p. 77) as Elstree, and 'Ertwode and Northscobi' (p. 79), again from the *Calendar of Papal Letters*, are singular forms for the two Essex churches of Eastwood and North Shoebury. In this respect the book needs complete revision. Two 'foreign' Cistercian abbeys are mentioned on p. 10 from the *Annals of Waverley*. One of these, Bodeloa, is Baudelo, then in the diocese of Tournai ; but the other is Garendon in Leicestershire, which was of special interest to Waverley as its eldest off-spring. Again, the abbey of St.-Serge at Angers is described (p. 122) as 'near Anjou'. It is probably too much to demand personal knowledge from an historian of all the places which he mentions in his work ; but we may reasonably expect that he will take pains to find out where they are.

The summary list of authorities in the preface is also in need of correction, both as regards exact titles and dates of books, and in such entries as 'Delisle, L., *Calendar of Papal Letters*, vols. i-v'. Cardinal Gasquet's *English Monastic Life*, rightly described in this list, appears under another title on p. 2. References in the foot-notes are generally accurate, though we have noticed one or two cases of imperfect or discrepant allusions to books. 'Wallram' (p. 137) is a misprint for 'Walbran', and 'Easting' (p. 34) should be 'Eastry'. But errors and misstatements in the text are few and far between. It is not wrong to say that the eremitic principle was peculiar to the Carthusians 'alone of the great Orders' (p. 22) ; but other orders, such as that of Camaldoli, should not be forgotten, although they were less wide in their influence. On p. 43 the words *ita quod computus sit integer et minime dividatur* are translated 'so [that] the account be entire and split up as little as possible', without recognizing the contradiction involved in this rendering and the medieval use of *minime* as an emphatic negative. The papal appropriation of the churches of Great Hale and Heckington to Bardney in 1227 (p. 78) was not a 'final step',

for it did not take effect, and it was not until 1345 that the churches were appropriated by a decree of Bishop Bek which is printed in *Monasticon* from the Bardney Chartulary. The 'Dean of Chester' (p. 91) is ambiguous: either St. John's at Chester or the church of Chester-le-Street is meant, but which of the two should be stated. Here, again, we return to the prevailing fault of lack of local knowledge, and we are tempted to ask whether Mr. Snape understands the meaning of the churches of 'Lodoney' on p. 168, or whether he is leaving his readers to discover Lothian under this archaic disguise. In spite, however, of its drawbacks, the book is a useful introduction to its subject, and may lead many to look farther into details for themselves.

A. HAMILTON THOMPSON.

L'Exemplum dans la littérature religieuse et didactique du Moyen Âge. Par J. TH. WELTER. (Paris: Guitard, 1927.)

IN 1914 Dr. Welter began the publication of a series of inedited collections of *exempla*, under the general title of 'Thesaurus Exemplorum', with his edition of the *Speculum Laicorum*, compiled in England at the end of the thirteenth century. After a long delay owing to the war, the next to appear, in 1926, was the *Tabula exemplorum* compiled in France at the end of the thirteenth century. These two Franciscan collections are, it appears, to be followed shortly by the very interesting Dominican collection in Royal MS. 7 D. i, and probably by others. Meantime Dr. Welter has now published in *L'Exemplum* a general survey of the literature of *exempla* in western Europe during the middle ages.

The book is divided into three parts: (i) the period of growth, down to the end of the twelfth century; (ii) the period of full development, comprising the thirteenth and fourteenth centuries; (iii) the period of decline in the fifteenth century. By far the longest of these parts is the second, occupying pp. 63-376. The author discusses the aim and methods of using the *exemplum* as expounded or implied by writers of the period who treated of the theory of preaching; the sources from which *exempla* were drawn, namely, sacred literature, profane literature, and personal experience; the different types of *exempla* which may be distinguished (he divides them into twelve). Next we have the *exemplum* in sermons, in chronicles and treatises of edification or instruction, and in the collections of *exempla*. The collections are divided into three classes: those in which the materials are arranged in logical order, those in which they are arranged in alphabetical order, those in which the *exempla* are moralized. The method of the author may be illustrated. Thus, under the heading of 'recueils d'Exempla à ordre logique' he enumerates twenty collections formed in the thirteenth and fourteenth centuries. The authorship, date, aim, and general plan of each work are discussed, and the various types of *exempla* used and their relative proportions indicated. In one note all the sources employed are set forth under the headings 'antiquité profane', 'antiquité sacrée', and 'moyen âge'. Stories derived from personal experience are generally indicated separately with references to the persons and places mentioned. Another note gives a list of the manuscripts in European libraries in which the work in question is found. It will be seen that the method is severe: the book is not a history; it is hardly

materials for a history, but rather a guide to those materials. As such it is indispensable to any one working at the subject. The amount of labour involved and the amount of information contained in the book are colossal.

The lists of manuscripts are remarkably full and complete. The short and unimportant treatise *De lingua* (a kind of appendix to the *De oculo morali*) is not of such rare occurrence in English libraries as Dr. Welter thinks; there are manuscripts of it in Oriel, Lincoln, and Jesus Colleges at Oxford, Trinity and Clare Colleges at Cambridge, and in Lincoln Cathedral Library, besides those mentioned on p. 178. But it is seldom that one can make any additions. The author's knowledge of the printed literature is as thorough as his knowledge of the manuscripts. Mr. Esposito's article on Friar Malachy and the treatise *De Veneno* in this Review¹ should have been referred to on p. 173. Dr. Owst's learned work on *Preaching in Medieval England* (1926) appeared too late to be made use of; and the same applies to the interesting 'Liber exemplorum Fratrum Minorum saeculi xiii' which Father Oliger edited from a Vatican manuscript in *Antonianum*, ii (1927).

When so much is given us, it is ungrateful to ask for more. But it is difficult to see why the *De adventu Minorum in Angliam* of Thomas of Eccleston and the Lanercost Chronicle are not mentioned in the chapter on 'L'Exemplum dans les chroniques'. Both are good specimens and the inclusion of them might have led Dr. Welter to modify the somewhat exaggerated contrast which he makes between the Dominicans and Franciscans (p. 163).

The production of a large number of books of *exempla* in the thirteenth and fourteenth centuries had the natural result of drying up the flow of original *exempla* derived from personal experience: the fifteenth century was comparatively barren in these; on the other hand, it developed the *exemplum* rather as a literary story than as illustration of virtues or vices. Dr. Welter is chary of making generalizations or drawing inferences. 'It is difficult', he says (p. 149), 'to state what types of *exempla* were most in favour with the public of different social conditions.' Friar John of Wales, in a passage, part of which is quoted on p. 200, implies that stories of the heroes of the ancient world were more readily listened to by the ruling classes than stories of Christian saints; and a few similar hints may be found scattered through the volume (e.g. pp. 351, 433, 445). It is greatly to be wished that Dr. Welter will be able to realize the hope expressed in the preface that he may write a sketch of medieval life and society, for this would give scope to his unrivalled knowledge of *exempla* literature.

There are some misprints, and a few slips: e.g. p. 17, 'le roi Aidam' should surely be 'le moine Aidan'; p. 415, for 'Cordo pro diffinitionibus' read 'Ordo pro diffinitionibus'. It is not made clear either in text or index that Avicbron and Ibn Gabirol are the same person. The index is excellent.

A. G. LITTLE.

¹ *Ante*, xxxiii. 359.

Calendar of State Papers relating to English Affairs, preserved principally at Rome in the Vatican Archives and Library. Vol. ii. Elizabeth, 1572-78. Edited by J. M. Rigg. (London: Stationery Office, 1926.)

ALL but a few of the early documents in this volume fall within the pontificate of Gregory XIII. Father Pollen, in his *English Catholics in the Reign of Queen Elizabeth*, has already made their character and contents known to us, but read as a whole they convey a more definite impression than his narrative suggests of the bellicose policy of the pope and his secretary of state, Ptolemy Galli, cardinal of Como. A recent historian has remarked that the legislation of 1581 against catholics in England shows with pitiless clearness that any distinction between religion and politics was no longer to be thought of. The same reflection follows with no less clearness from perusing these documents. The volume opens after the papacy had made its pronouncement against Elizabeth in the bull of Pius V and its first serious essay against her government in the abortive Ridolfi plot. From 1572-8 we find the cardinal of Como and the papal nuncios exploring every means of effecting the overthrow of Elizabeth's government. At first they hoped to bring about a marriage of the duke of Anjou and Philip's daughter, combine France and Spain against the queen, and establish Anjou and his bride on the English throne. As objections and obstacles to the scheme appeared, they modified it. As early as January 1574 the marriage of Don John and Mary Queen of Scots was suggested as the basis of a plan of invasion. In April 1576 Philip agreed to support a papal expedition, and went as far as paying half the money he had promised. But he objected to any step which might seem to link his name with the enterprise; and his anxiety to avoid the slightest suspicion of hostility to England—which is really striking—and the troubles that befell him in the Netherlands ruined papal schemes. France was no consolation. She held up a papal legate on his way to Paris lest his arrival too soon after the massacre of St. Bartholomew might alarm Elizabeth. And the papacy soon abandoned hope in this quarter. Of the cardinal of Como's grand schemes, the Irish expeditions of Stucley—on which there is much in this volume—and of Fitzgerald, the one ending in Morocco on the field of Alcazar, the other coming to a lengthy halt in France, were the only and pitiful results. Galli's own words, *Vana est sine viribus ira*, might be inscribed on this volume.

Attention may be called to one or two minor points of interest. Mr. Rigg prints in this volume the depositions of witnesses taken before the ordinary of Paris in August 1575 concerning the circumstances of Mary Stuart's marriage with Bothwell (pp. 215 *seqq.*). They appear to be the preliminaries to seeking a papal declaration of the nullity of the marriage. One is puzzled because Mary sought such a declaration in 1570, and if Sir Henry Norris is to be believed secured it then.¹ Perhaps the explanation is that further steps were taken to make assurance doubly sure in view of the new marriage projects that were being proposed. Another document connected with Mary's affairs is what purports to be a copy of the last declaration of Bothwell giving the very truth about Darnley's murder (pp. 237-8). The document hardly seems to deserve credit. In view of the obscure origins

¹ Lebanoff, *Lettres de Marie Stuart*, iii. 59; *Foreign Cal., Elizabeth, 1569-71*, p. 372.

of Esmé Stuart's mission to Scotland in 1579 it is perhaps worth noting that there are discussions recorded between the papacy and the Guise party concerning a scheme for abducting James VI from Scotland. As for continental affairs, the editor's interpretation of English interests is so generous that the Calendar sheds considerable light on events in the Netherlands, France, and Spain. In conclusion, I would express my doubt of the editor's interpretation (p. xxxi) of one of his documents. I think the suggestion in a letter to the nuncio in France that Stucley was uncertain about the destination of his voyage was a blind to engender doubt of his objective when the secrecy of the voyage could no longer be kept (p. 376).

J. E. NEALE.

Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice and in other Libraries of Northern Italy. Vol. xxvii, 1643-7. Edited by A. B. HINDS. (London: Stationery Office, 1926.)

SHRINKAGE of material, not a change of editorial methods such as has been here advocated for some time, is responsible for the unusually long period covered by this volume. The Venetian secretary, Agostini, died early in February 1645, and was not replaced. Henceforth the Signory was content to study English affairs from weekly advices from London forwarded to Venice by its representative at Paris, the well-known historian, Giovanni Battista Nani. Two of the most interesting passages in the dispatches of Agostini were used by S. R. Gardiner: those referring to the mission of Vane to the Scots to sound them about the king's deposition (pp. 110, 112), and to the outburst of Essex when the house of lords was threatened with a popular tumult if it failed to pass the bill of attainder against Laud. Gardiner might well have continued the quotation, for Essex went on to express his determination to devote his life to repressing the audacity of the people (p. 162; *Great Civil War*, ii. 102). Utterances of this kind help to explain the general hostility in London to Essex which is abundantly illustrated in this volume. His rival, Waller, long remained a popular hero. A new fact which emerges is Waller's volunteering to serve the Venetian republic against the Turks. It is clear that English trade with the Levant expanded rapidly during the war.

The editor holds that the advices from London are 'much more than ordinary news letters'. They may be, but they rarely make a substantial addition to existing knowledge. Certainly on military details they are often grotesquely inaccurate. Thus at Naseby the royalists are said to have outnumbered their foes (in reality they were little more than half as numerous); their cavalry to have abandoned the field at once (though Rupert defeated Ireton, and Langdale only succumbed to the superior forces of Cromwell after a stiff fight); and Charles to have rallied his fleeing troops twice (whereas he played a singularly passive role). On the other hand, the comments are often shrewd: both the importance of the battle and the damage inflicted upon the royal cause by the capture of the king's correspondence are well brought out. There is a more definite account of the last interview between Charles and the Scottish commissioners than has been available hitherto. According to it the king replied

sharply to their excuses for refusing him entry into Scotland, and told them that, even if he had been at liberty, he would rather have gone to those who bought than to those who sold him (p. 304). Whether Charles actually used such language then must be considered doubtful, though he may well have complained in some such terms on another occasion.¹ It is obvious from the *Montereul Correspondence* that he repeatedly rejected suggestions that he should express his dissatisfaction with the Scots and thus ingratiate himself with the English. Moreover, the French agent asserts that the Scots allowed no one to be present when they took leave of the king, 'perhaps in the fear that . . . they might be reproached with their treachery in the presence of the English'; so any English narratives of what took place then should be viewed with suspicion.

The increasing number of notes appended to these dispatches raises the question whether it is the duty of the editor of state papers to annotate them. No doubt it is desirable that obscure passages should be elucidated by reference to other sources, but the notes given here are by no means confined to this purpose, and the choice of subjects for annotation is often unfortunate. Thus dates are supplied for important events, though the student could easily find them for himself, but no attempt is made to identify Humphrey Bosville, a more difficult task. Here a reference to his confession might well be useful: it is printed in the *Old Parliamentary History*, xv. 347-8.

GODFREY DAVIES.

The House of Lords in the Eighteenth Century. By A. S. TURBERVILLE. (Oxford: Clarendon Press, 1927.)

MR. TURBERVILLE has already shown that he is familiar with both the highways and the by-ways of the eighteenth century, including that very extensive maze, the *Newcastle Papers*. He has made ample use of that knowledge in the present volume. But he has attempted a difficult, and indeed a practically impossible, task. His primary aim, he tells us, is 'to tell the story of the heyday of the Whig oligarchy, and of its decline in the earlier years of George III, as it is reflected in the proceedings of the chamber to which the principal members of the oligarchy belonged'. Unfortunately the story is not to be found in the repository from which he endeavours to extract it.

Mr. Turberville asserts (p. 496) that 'historians and politicians, influenced by the obvious prominence of the House of Commons in the seventeenth century and in the latter half of the nineteenth [? eighteenth], have as a rule failed to appreciate the full importance of the Upper House in the eighteenth century'. But his own book proves that the historians are right. The predominance of the commons, as S. R. Gardiner long ago pointed out,² dates from the reign of Henry VIII. It was conclusively demonstrated in the reigns of Elizabeth, James I, and Charles I. Although the house of lords was restored at the end of the Commonwealth, and its

¹ Whitelocke states that 'some reported he (Charles) used the expression, that he was bought and sold' to the English commissioners, fo. 230.

² S. R. Gardiner, *History of England*, i. 6: 'The specially constitutional work of Henry VIII was the admission of the House of Commons to a preponderating influence in Parliament.'

ecclesiastical members regained their seats after the Restoration, and although its judicial powers gave it peculiar dignity and importance, it never recovered its former ascendancy. It is impossible to accept Mr. Turberville's dictum that in 1719 it 'still remained the dominant Chamber in the Legislature' (p. 169). Lord Hardwicke, the dictator of the house, might 'regard its superiority to the House of Commons as axiomatic' (p. 265), and might gratify his hearers by learnedly contending that 'the Lords were summoned *ad consulendum*, the Commons merely *ad consentiendum*' (p. 283). The stern fact remained that the superiority of the commons rested firmly upon the twin foundation, (1) that they had secured practically supreme control of finance, and (2) that they could call the officers of the Crown to account and enforce ministerial responsibility by impeachment. So far as parliament could control the choice of ministers, and its power to do this began under William III and steadily increased till the accession of George III, that control was exercised by the commons and not by the lords. Walpole's ablest opponents, Carteret and Chesterfield, were in the upper house, but it was a defeat in the commons which brought about his downfall. Henry Pelham became premier in preference to his senior and restlessly ambitious brother, because he alone could obtain the financial support of the commons for a foreign policy which Newcastle dictated. When Newcastle at last succeeded his brother, his ministry broke down largely because he was unable to find an efficient leader of the lower house who would be as pliable as Henry Pelham had rather reluctantly been. Newcastle only returned to office, and to a successful tenure of office, when circumstances forced him into a coalition with 'the great commoner'. When George III set himself to revive the authority of the Crown, he concentrated his attention on the lower house. As our author says, 'his correspondence does not show very much interest in the proceedings of the Lords; it often shows keen interest in those of the Commons' (p. 495). It was the alienation of the commons that finally foiled the king and overthrew Lord North, and it was the failure to gain adequate support in the lower house after the defection of Fox that ended the short-lived ministry of Lord Shelburne. It is only an apparent exception that the rejection of Fox's India Bill (it is wrongly called North's bill on p. 409) in the lords gave George III a pretext for dismissing the coalition ministry. That action was condoned by the general election of 1784, and it was the majority in the commons then secured, and not the act of the king, which gave security to the ministry of Pitt.

Mr. Turberville would probably not dispute all this. In fact he admits (p. 481) the predominance of the house of commons from the time of Walpole onwards, and he virtually admits in chapter vi that the last chance of regaining ascendancy for the lords was lost when Walpole induced the lower house to reject the Peerage Bill in 1719. He adheres, however, to the main contention of his thesis, that 'the dominance of the Peers is a fundamental fact of the whole national economy of the period'. It is unfortunate that the choice of his title, and the definition of his aim in his preface, compels him to adopt an arrangement which is defective in itself and is largely condemned out of his own mouth. The ascendancy of the peerage—of the 'Venetian oligarchy', as Disraeli called it—in the eighteenth century is undisputed and indisputable. But it is not to be found in the

annals of the house of lords. The chapters in which Mr. Turberville—with well-documented learning and no inconsiderable literary skill—narrates the proceedings of the upper house from the accession of Queen Anne to the downfall of the Fox-North ministry make a rather confused, incomplete, and at times somewhat dreary story. Except when the two houses were at loggerheads, as in the first and the two last parliaments of Anne, they only deal with a part, and not necessarily the most important part, of the work of the legislature. The debates in the lords may have been oratorically superior to those in the commons—as they have often been in our own day—but the results are rarely so decisive. It requires either the contemporary keenness of a Horace Walpole or the vivid imagination of a Macaulay, himself skilled in the conduct of senates, to give life and reality to past debates. And eighteenth-century debates, as Mr. Turberville shows in an interesting appendix, were very imperfectly and even misleadingly reported. Very often the best account is to be found, not in the *Parliamentary History*, but in the notes of biased listeners, such as Bishop Burnet, Lord Hervey, Philip Yorke, Horace Walpole, and Nathaniel Wraxall. Probably the most trustworthy estimate of the questions at issue in debate is to be found in the Protests of the House of Lords. It is true that they only state the arguments of the defeated minority, but they give by implication a good idea of the arguments to which they are an answer.

The most interesting chapters in this part of the book are those which deal with disputes between the houses: disputes about the Aylesbury men, about the treaty of Utrecht, and about the Peerage Bill. When the two houses are fairly in accord and fairly submissive to the ministry of the day, the interest notably slackens. Mr. Turberville admits that there is nothing much to be made of the period of the Pelhams, or of the early years of George III. Even when Chatham enters the upper house, his occasional outbursts of eloquence only served to emphasize the general impression of the futility of its debates.

As evidence, therefore, of the ascendancy of the peers, these chapters, which constitute the bulk of the work, are largely wasted labour. They contain a good deal of useful information, they give occasion for some shrewd estimates of prominent politicians and lawyers, but, if they stood alone, they would leave an impression of impotence rather than of ascendancy. The really vital chapters of the book are those dealing with 'the Recruitment of the House' (with its valuable appendix giving a list of creations and promotions in the peerage during the period) and with 'the Peers and the Constituencies'. This latter chapter, with occasional *obiter dicta* elsewhere, supplies the real explanation of the dominance of the peerage. As regards the legislature, the peers were dominant, not through the power of their own house, but because they largely controlled the composition of the house of commons. When, under George III, the Crown entered in this matter into competition with the peers, their decline began. But even then, and always, it was outside the legislature that the real power of the peerage is to be found. They predominated in every cabinet, and still more in that inner circle of advisers which in important questions of foreign policy superseded the cabinet. And the business of eighteenth-century cabinets, as Mr. Turberville points out, was with adminis-

tration rather than with legislation. It was not till after the Reform Act of 1832 that parties began to come forward with legislative programmes, and cabinets began to busy themselves with the initiation and framing of bills, and were forced to stand or fall by the fate of their legislative measures. One of the best and most illuminating of Mr. Turberville's statements is to be found on p. 489: 'These ministers have not (as their modern successors have) a party programme; legislation is not their principal concern. No, they exist that the "King's business" may be carried on—they are essentially administrators. The eighteenth-century view was that the main concern of a Government was to govern.' This is fundamentally true. It was in this sense that the peerage supplied the motive power of government in the eighteenth century. But so far as Mr. Turberville's aim was to illustrate this, he should have cut down much of what he has to say about the house of lords, and should have given more attention to administrative machinery.

Among the departments which are enumerated as being specially manned by the peers is diplomacy. 'Diplomacy was their domain' (p. 484); 'they largely conducted the diplomatic service' (p. 497). It would be interesting to see these assertions worked out in detail. The diplomatic service has always been a sort of aristocratic preserve, and it continued to be so long after the eighteenth century. For one reason no one could enter it unless he had a reasonable income of his own. But was it, even in the eighteenth century, specially officered by peers or their relatives? Carteret and Chesterfield were both diplomatists at times. It was usual to send a peer to sign a treaty at the close of a great war. Lord Strafford headed the British delegation at Utrecht. Lord Sandwich was sent to Aix-la-Chapelle in 1748. The duke of Bedford signed the treaty of Paris in 1763. But these men were rather figure-heads: the main work was done by humbler hands. Lord Sandwich did indeed settle single-handed the preliminaries of Aix-la-Chapelle, but it was necessary to send a professional colleague, Sir Thomas Robinson, to aid him in putting the final treaty into shape. As to the normal embassies, the choice was largely determined by traditional etiquette. If France, or any other court, sent us a duke, we must find a duke to represent us; if they sent a count, we must send an earl, and so on. But the number of available dukes and earls was limited. At times it was necessary to fall back upon a Scottish peer, such as Lord Hyndford or Lord Dalrymple, or an Irish peer, as Lord Tyrawley. But, on the whole, our embassies were staffed from the ranks of the gentry rather than of the peerage; by men like Horace Walpole (the elder), Sir Charles Hanbury Williams, Benjamin Keene, Robert Keith and his son, Andrew Mitchell, James Harris, and Hugh Elliot. When a peer, like Lord Albemarle, was sent to Paris to balance the duc de Mirepoix, it was necessary to send Joseph Yorke with him to supply the deficiencies of his superior.

Apropos of diplomacy, it must be said that Mr. Turberville is less at home in Europe than he is in England. He has one chapter which deals mainly with foreign affairs (during the later years of Walpole), and it is the least satisfactory in the book. Among other things, he falls into the characteristically English blunder of confusing the Austrian dominions with 'the Empire'. The Empire in the eighteenth century was still a diplomatic unit with foreign relations of its own. The emperor might be at war as

Austrian ruler, but the Empire might remain neutral. So it is incorrect to say (p. 222) that Spain and the Empire were malcontent after the settlement of the Spanish Succession. Charles VI was a malcontent, but not in his capacity as emperor. The Empire was not malcontent, and had no reason to be. It is equally inaccurate to speak of the Empire as a party to Ripperdà's treaty of Vienna in 1725, and, after a survey of the foreign policy of Stanhope, it is doubly surprising to be told (p. 224) that 'the treaty of Hanover constituted as great a breach with traditional British policy as did that of Vienna in the policies of Spain and the Empire'. It was by no means the first time that Great Britain had combined with France to uphold the Utrecht settlement.

There is one rather obvious desideratum in the book. Mr. Turberville has inserted a short chapter on the Scottish representative peers, which is very good as far as it goes. But it stops abruptly at the year 1719, with the statement that the practice of compiling a 'King's List' 'remained the recognized procedure down to 1832'. One would like to know how the list was compiled, what steps were taken to obtain a place on the list, how often and for what reason such a place was forfeited. It would be a valuable addition to the list of peerages in the Appendix, to have full information as to the changes during the period in the representation of Scottish peers.

RICHARD LODGE.

New England's Outpost. Acadia before the Conquest of Canada. By JOHN BARTLET BREBNER, Ph.D. (New York: Columbia University Press, 1927.)

It was certainly high time that we had a reliable account of the causes of the dispersion of the Acadians, and this is now to be found in Professor Brebner's book. It is significant that he has entitled it *New England's Outpost*; for we are made aware, for the first time, of the great influence exerted in this quarter by New England. Although this was due in part to neglect of Acadia in the early days by the motherland, the strong personality of Governor Shirley of Massachusetts counted for much in this connexion.

After giving a readable account of the French period of Acadian history in chapters i and ii, Dr. Brebner devotes the two following chapters to the 'Phantom Rule' and 'Counterfeit Suzerainty' from 1710 to 1739. Owing to the lack of interest taken in Port Royal by the home government, Mascarene came to rely more and more upon Shirley, to whom he sent his reports for the home government unsealed. In this way Shirley knew all that was passing on what was practically the northern frontier of New England. In process of time Acadia became more or less a ward of New England, and the religious revival there helped the crusade against the French. After the capture of Louisbourg in 1745 by New England troops and the failure of the French to counter-attack in 1746, New England looked upon Acadia as its own possession. The disappointment there was great when Louisbourg was returned to France in 1748 in exchange for Madras.

The period from 1748 to 1760 has been treated in a masterly manner. Most people who had studied the 'Great Disruption' of 1755, as the dispersion has been called, were aware that Lawrence had acted on his own initiative; but Dr. Brebner not only makes abundantly clear how anxious

was Lawrence to present the Board of Trade with a *fait accompli*, but also shows how much he was influenced by Shirley and the New Englanders' fears of the French. The British government, on the other hand, deprecated any such action; but Braddock's defeat unnerved Lawrence, who gradually became more and more incensed against the 'neutrality' of the Acadians. In the author's words they were 'caught between the duellists' of the Seven Years' war and suffered this cruel dispersion. Of the expulsion itself the author gives no details: on this subject, however, others are at work.

Dr. Brebner has examined all the available material. He has been eminently fair to Lawrence and also to Le Loutre, but his sympathies, one can see, are with the unfortunate Acadians. He states the facts clearly and intelligently, and his account is one which does him great credit.

One must praise especially the brevity of his narrative, which, as can be seen from the notes, he might have made very much longer. He has tried to give the essential facts and not to overload his book, but the discussions in the notes show that he is perfectly familiar with all phases of the struggle.

The Bibliographical Notes at the end give an excellent list of the sources, both manuscript and printed, and there is also a very full list of monographs as well as a good index. It is a mistake, however, to describe the *Catalogue of the Northcliffe Collection*¹ in the Public Archives at Ottawa as the Archives Report for 1926, which is a thin pamphlet issued late in 1927. On minor details, it should be added that such expressions as 'were ordered disbanded' and the like strike one as bad English.

H. P. BIGGAR.

Warren Hastings' Letters to Sir John Macpherson. Edited by H. Dodwell. (London: Faber & Gwyer, 1927.)

PROFESSOR DODWELL has done a considerable service to students of the history of the eighteenth century in India by editing the correspondence of Warren Hastings with Sir John Macpherson, his immediate successor as governor-general.

The first letter, dated 12 July 1775, is of special interest as giving us a glimpse into Hastings' mind at a most critical moment in his personal affairs, when Nandcomar was 'in the power of the Chief Justice' under sentence of death. Macpherson had acclaimed the event as 'decisive, complete, sufficient, and victorious' for the governor-general, but Hastings does not 'entertain the same sanguine hopes of it'. He thinks that whoever else suffers he may himself be removed, 'to avoid a colour of partiality in my favour', a motive which in fact was the very last likely to trouble him. Just a year later Hastings alludes to the new plan of justice which he and Sir Elijah Impey had worked out together for Bengal, 'which', he says, 'pleases me more than anything I have yet done'. It was doomed, however, to be ignored by the authorities at home, so that a time 'of everlasting doubt and embarrassment' ensued, which was only mitigated by Hastings' device of making Impey himself head of the two rival systems, an arrangement which continued till 1781.

¹ See *ante*, xlii. 655.

The main body of the letters here made public belong to the last period of Hastings' rule from 1781 to 1786, when he was at last master in his own council, and nearly all are written between November 1781 and December 1782. Two main interests occupy them: first, party politics in England with the reaction upon them of the intrigues with Tanjore, and, secondly, Hastings' conduct of his foreign relations in India.

Mr. Dodwell's intimate knowledge of Madras affairs enables him to throw much light upon the first topic, especially the influence exerted by Paul Benfield on Lord North and Robinson, the secretary to the treasury. In Letter VII Hastings confesses that he lacks 'knowledge of the British world to which all my designs ought if they could to be squared'; but, perhaps, had he possessed it he could hardly have kept his eyes so unwaveringly fixed, as he did, on the public interest. For the British world of Horace Walpole's day was at the mercy of petty, selfish factions and vitiated by a practice of bribery which Macpherson describes as 'the whole spiral line of corruption and intrigue that runs from the foot of the Th(rone) to the meanest voter's stall in the East end of the town'. And Hastings still could claim, 'My views are great and extensive'.

Macpherson appears to have been not unable to manœuvre along the 'spiral line', for though his quarrel with Lord Pigot led to his disgrace, he was reinstated by the Company on appealing and was appointed by Lord North to a seat on the supreme council. Macpherson and Paul Benfield were M.P.s for Cricklade together in 1780, and Mr. Dodwell shows that the latter was anxious to form an alliance with Hastings for their mutual political advantage. But is there evidence that Hastings entertained the idea?

The letters of 1782 cast light on all aspects of Hastings' policy during that critical year and add to the admiration which must be felt for his resolute conduct of affairs. While the men at Madras hesitated and those at Bombay blundered, the governor-general had his plans prepared and orders issued even before the advice of the directors reached India, and he carries out consistently, through the turmoil of wars and weakness amid which he stands, the pre-ordained design. He uses the treaty of Benares as the basis, punishes Chait Sing to stop the gap in the northern defences, achieves peace with Scindia by a display of power and consistency, and in the Deccan brings Hyder Ali to terms.

Mr. Dodwell's introduction to the volume is illuminating and his elucidation of obscure references masterly. There appears to be an error in the reading of the Chunar letter on page 80, where 'amici' is given for what looks like 'armies'; and on page 39 Hastings' reference to 'Stewart' is rendered 'the Secretary, John Stuart, son of Lord Bute'. The secretary and judge advocate-general was John Stewart. Lord Bute's son, the Hon. Charles Stuart went to Calcutta in August 1762, was resident at Burdwan in 1772 and 1773, second at the Board of Customs in 1774, and military store-keeper in 1775. Both men appear to have left Calcutta in 1775, but the references here are to John Stewart, the judge advocate-general, one of Hastings' warmest friends.

It is greatly to be hoped that this valuable volume will be a first instalment of the correspondence of the governors-general for which students of Indian history have long waited.

M. E. MONCKTON JONES.

Correspondence of Andrew Jackson. Edited by JOHN SPENCER BASSETT, Ph.D. Vol. i (to April 30, 1814). Vol. ii (May 1, 1814, to December 31, 1819). (Carnegie Institution of Washington, 1926, 1927.)

As Dr. Jameson remarks in an introductory note, the absence of Andrew Jackson's correspondence 'constitutes a notable gap in the published historical material of the time'. The gap is now being filled in splendid fashion by an edition of six volumes, of which the first two have appeared. Though the most interesting portion of Andrew Jackson's career has not yet been reached, these two volumes reveal the meticulous care of the editor, Professor Bassett, of Smith College, whose biography of Andrew Jackson is of course the standard one. Not only has the Jackson Correspondence in the Library of Congress been utilized, but numerous other collections, notably that of Major Lewis preserved in the New York Public Library and the letters to General John Coffee in the Tennessee Historical Society. Indeed the editor has endeavoured, with signal success, to trace the numerous isolated letters of Jackson, whose fame naturally attracted collectors of all kinds. No praise can be too high for the manner in which Dr. Bassett has carried out his task. His succinct notes give exactly the required information on personalities and disputed points, and his prefaces, commendably concise and restrained, explain his method of selection and the value of the new material which he has gathered together.

On the whole the collection confirms the impression of Andrew Jackson which has been gaining ground for some time, and is beginning to inspire journalists and novelists as well as historians. The core of this high-spirited, patriotic, and energetic man was sound. He was capable of deep love and fine friendships, and, despite some accommodation to the spirit of political intrigue of the day, he was in essence honest. His worst acts were the result of a *saeva indignatio*, a natural product of his frontier experiences and not sufficiently controlled by education. Injustice and trickery, sometimes only imagined, drove him into transports of rage and resulted in violent denunciation or hasty action. But the motive was always one which a man of honour could defend.

These two volumes deal mainly with his career as a soldier. The politician is only occasionally revealed. Except for his one campaign against the British, Jackson was always engaged in Indian warfare, and it is sometimes difficult to decide whether his own raw levies or his treacherous foes gave him the greater difficulty. He dealt ruthlessly with both, sometimes perhaps going beyond the harsh limits which custom then sanctioned, in his anxiety to achieve a permanent result.

Dr. Bassett does not consider that the defence of New Orleans shows much strategic insight. But Jackson inspired his soldiers with a proper spirit of defiance, which was the main thing necessary, and so won an imperishable name in a battle fought after peace had been concluded. His invasion of Florida, his controversies with Monroe, Crawford, and Calhoun as to the responsibility of the government for his acts, questions that were later to exert considerable influence on his presidential career, also appear in the second volume. Dr. Bassett adds something to the defence of Jackson which he has already made. His approval of the execution of Arbuthnot and Ambrister hardly carries the same conviction, even

if that ill-considered act was not as important as some historians have imagined. Andrew Jackson was much indebted to John Quincy Adams in that incident, though he never recognized the obligation.

C. K. WEBSTER.

History of the British Army. Vol. xii. By Sir JOHN W. FORTESCUE.
(London : Macmillan, 1927.)

THE period covered is 1839-52. The author has chiefly made use of printed material, having been unable to visit India, where the records are, but he has gone through the badly arranged transcripts of 'Secret Consultations of the Governor-General and Council of India' preserved at the India Office. The result is that we have just the old, familiar, and for the most part very sad, story of the expansion of the empire at a critical time, with the comments that we should expect from such an experienced writer.

We all of us have made up our minds about the Afghan war, needlessly and lightly undertaken, badly conducted. No one would wish to white-wash Auckland or Macnaghten. Sir John rubs it in, if the phrase be allowed, that the one was needlessly obstinate, for he had from Burnes sound advice that he could have taken to heart, and that the other was the worst of the conceited and incompetent political agents who interfered and domineered and were then the curse of India. But is he right in giving entirely to the Company the blame for the ill deeds of the politicals? The Company did not compel Auckland to rely on Macnaghten, to disregard Burnes, and to send poor old Elphinstone to Kabul. On the other side there were the Lawrences and Pottinger, even though youngsters of the type of Macnaghten abounded; it is strange that Sir John says so little about Pottinger, and makes but a bare mention of the escape from captivity of all the hostages, men, women, and children, which was Pottinger's final exploit, an escape unknown to the general reader, who believes that every one perished except Dr. Brydon. Professor Davis in his 'Raleigh' lecture of 1926 illustrated the energy of the Company in sending out agents of various kinds to obtain information. Moreover, in our own days do we not know that conceited interferers of the same type, though not styled political agents and not actually attached to armies in the field, starved the army in India before the great war and disregarded the advice of a veteran expert? In fact human nature is ready to domineer whether a company bear sway or not. Next, we are not at all sure that Sir John is fair to Ellenborough, who had to clear up Auckland's mess. We are prejudiced against him because of his absurd language, in particular his laudation of Sale. But, after all, he gave the proper orders to Pollock and Nott. In other respects we are indebted to Sir John for his presentment of the facts and for his judgements, not only on the soldiers mentioned but also on Shelton in particular, who has not always had fair play.

The Sind and Sikh wars were the sequel. Our chief interest is in our author's judgements on Gough, whom he decidedly justifies, and on Harry Smith's brilliant handling of his forces both before and at the battle of Aliwal. The last Mahratta war gives him a chance to find fault with the presence of ladies with a field force, probably with his eye on South Africa;

but he has no fault to find with Mrs. Harry Smith, 'an old campaigner'. Next he takes us to Burma. Throughout he shows how the hardest work fell to the white troops; the sepoy seemed to be losing their powers, we were only just beginning to recruit Gurkhas, the Sikhs and Baluchis were our enemies, and Rajputs, Dogras, and Mohammedans of the north-west had not yet been discovered.

Outside India we have wars in New Zealand and South Africa. In the one direction 'the peril was lest the Maoris, in return for injuries received from rogues, should take vengeance on the innocent', and in the other the cry of the settlers was that the Whig cabinets, influenced by the need for economy and the attitude of Exeter Hall, did not defend them; Sir John's comments on Whig policy, especially on the recall of Harry Smith, may easily be imagined. His description of the Maori *pa* is graphic.

We are looking forward to the coming volume on the Crimean war and the Mutiny. It will deal with the era of the first general use of the rifle. Will Sir John take a cast back and give us a sketch of the development of the new arm from the American period onwards? Hitherto he has but given a few stray notices.

J. E. MORRIS.

The Colonisation of New Zealand. By J. S. MARAIS, M.A., D.Phil., Lecturer in the University of Witwatersrand, Johannesburg. (London: Milford, 1927.)

THIS book aims at being a comprehensive and impartial account of the colonization of New Zealand from all sources. It begins with the colonizers of 1830 and traces the genesis of the New Zealand Company, its work, and end. The constitutional history is carried down to 1854.

It will be evident that the book covers a very great deal of ground, for the whole history is one of prolonged and acute controversy. Mr. Marais has worked his authorities diligently, and shows every sign of a desire to distribute praise and blame impartially. But it is a question whether the time has even yet come when this can really be done with success. The issues which divided the company from its opponents are some of the questions of principle to which, however certain we may feel that neither side were quite right, we cannot ourselves give a confident answer, and it is difficult for us who know New Zealand as one of the soundest and most prosperous communities in the world not to look back with a feeling of irritation on those who seem to have opposed her development. And yet such a judgement may be unjust. The judgement passed in this book on Stephen seems to be a case in point. It was a blunder, we are told, that the New Zealand Association should become a joint-stock company and a worse blunder to estrange the men who made the company. These blunders are attributed to Stephen's strong evangelical prejudices. But however much to blame his prejudices may have been, it is clear that if we look at the question as Stephen had to see it he had strong grounds of a purely practical nature for his attitude. To a permanent official who would have to work any arrangement made year in and year out two considerations must have seemed paramount: that of justice to the natives, whose title to their land must *prima facie* be better than that of later comers, and that of money. The first consideration does not necessarily wear a religious or even moral

aspect, for justice to native races is both prudent and economical. And Stephen had every reason to distrust the native policy of the New Zealand Association (the parent of the company), which had been 'evidently concocted [by Wakefield] in order to meet a need of the moment' (p. 32). When he prophesied that the association's acquisition of sovereignty 'would infallibly issue in the conquest and extermination of the present inhabitants' (p. 34) he exaggerated, but none can say, looking to the Maori wars, that his fears were unfounded. We are not told why the colonial office insisted on a joint-stock company, but it seems reasonable to suppose that this was regarded as a method of raising the necessary money. For it is admitted that parliament was unwilling to vote money and the treasury was hard and pettifogging (see note 2, p. 224, and p. 239). And it must have seemed mere folly to think of carrying on a distant administration in the face of an active and intelligent native race without sufficient means to secure peace and order.

The success of the New Zealand Company in settling a number of settlers of a very good type is remarkable, but it seems to have been due rather to their admirable care in selecting the right persons and in sending them out than to the principles on which the company proposed to act in New Zealand. The Wakefield system indeed had to be discarded, and the labourer had to be allowed to acquire land. Dr. Marais holds that the difficulties of the settlers were not primarily due to the system, but to the inevitable trials in opening up a new country. The company did, however, create great difficulties for the early settlers by selling imaginary sections of land. 'No one knew even remotely what kind of land he was buying' (p. 54), and allotments were offered before the site of the settlement was determined. This policy inevitably led to disputes, while endless confusion was caused by the company purchasing land from Maoris, who in the nature of the case could hardly ever give a good title. As Dr. Marais shows (p. 124), it was almost impossible to get a good title from the Maori landowners of the North Island, and his statement seems to justify the view of the framers of the treaty of Waitangi, which to some people, he says (p. 101), may sound preposterous. It is quite certain that in no case was there an easy and simple solution of the question of title in land, and it is not clear how Dr. Marais's suggestion that the Crown should have obtained from parliament an authorization to annex would have helped. Parliament, he says, alone could annul its own decisions concerning the 'independence' of the New Zealand tribes (p. 102). But annexation (which does not in itself require parliamentary authority) would merely have vested the waste lands of the colony in the Crown, and would in itself have done nothing to solve the vital question what lands were waste. Legislation by parliament would have been legislation in the dark, and it was in fact only on the spot that the necessary information was to be obtained. The most serious error of the government was probably their failure to send out men of sufficient calibre to deal with a situation of special difficulty.

The book seems commendably free from small errors, but there is a slip on p. 53, where the price of land is given as £101 per acre. It should evidently be per section or £1 per acre.

H. LAMBERT.

The Cape Colour Question. An Historical Survey. By W. M. MACMILLAN.
(London : Faber & Gwyer, 1927.)

THIS work will be welcomed by students of colonial history and it should, moreover, be studied by every administrator in Africa or any other person who is brought into touch with the difficulties which are produced by the impact of Western civilization upon people of a lower culture.

As the author aptly puts it, 'This book is the fruit of a conviction that a better understanding of the oldest phase of this question is an indispensable preliminary to any hopeful approach to the complex problems that remain'. This is a premiss to which few can object, but whether the author has adopted the best method of presentment may be open to discussion. Professor Macmillan has taken the life of a well-known missionary, Dr. John Philip, as the backbone of his study, and there is some reason for this, because the emancipation of the 'coloured people' of the Cape, as they are known to-day, is in a great measure undoubtedly due to the long fight carried on in their behalf by him. On historical grounds it is well that such self-sacrifice should be recorded, but at the same time one cannot avoid the feeling that the author has crippled his appeal to an ever-widening public, interested in the future trend of the relations between black and white in Africa. The result of the meticulous anxiety of the historian to document the narrative fully has been to render his work somewhat tedious and long-winded.

The contacts of peoples of higher and lower culture have been the cause of conflict from the dawn of the neolithic age onwards. History, for instance, has little to tell us about the feelings of the Saxon thanes when their lands were divided among the Norman barons after the Conquest. (No serious analogy is intended, for in this case both parties were of the same race, and in a few generations miscegenation took place so extensively that a new and homogeneous nation developed out of the mixture.)

According to the writer the 'coloured people' arose from the merging of the original Hottentots with a half-caste population which grew up in the vicinity of white settlements, but according to South African opinion there is also a strong blend of East Indian blood derived from freed slaves. The results of miscegenation with a native race everywhere appear to be a source of tragedy; disowned by the superior race and scorned by the inferior, their struggle for existence is always severe, and it is a striking fact in the history of the Cape that the survival value of the coloured people has been greater than that of the indigenous Hottentot.

The early history of the settlement of the Cape is a distressful story: a small community of independent, acquisitive Europeans, isolated by distance and poor communications from the impact of liberal thought, fearful of the menace of native attacks, clinging to slave-owning as their only chance of economic survival. Added to all this, the governments of Europe, whether they were Dutch or British, were engrossed with larger issues and ill appreciated the problems of this outpost overseas. The historical landmark of greatest import in the struggle for the political liberty of the 'coloured people' was the 'Emancipation Ordinance of 1828'; it was, indeed, a measure fraught with great results. It was the charter

of freedom for a downtrodden race and, as Mr. Macmillan shows, it was also an important factor in the migratory movements among the Dutch irreconcilables which culminated in the Great Trek.

By somewhat anxious attention to the vindication of Dr. Philip it may be contended that the author has taken a view not quite fair to the various governors of the Cape. Many of these well-known figures undoubtedly showed grave faults, both of omission and commission. There was in those days no training-ground for governors; they were usually pitchforked into their exalted position and had to act by the light of nature. Even in these days, however, a governor's position is one of great difficulty in any Crown colony where these problems are present. He has to live on amicable terms with his colonists; he is, by his position, a lonely soul, rather like the captain of a man-of-war. Most of them must embark on their duties with the prayer 'Give us peace in our time', and then hope for the best.

Mr. Macmillan repeatedly dwells on the point that the South African colonists have consistently looked upon the native as a producer and not as a consumer. This dictum is beyond doubt economically sound: the success of white enterprise in Africa depends too much on the low wage-rate of poorly skilled labour and too little regard is given to purchasing ability as a trade factor. Revolutionary reform with regard to this matter is impracticable, and the question is one which does not fall within the scope of a review. As Mr. Macmillan, however, so forcibly points out, the formidable menace of the competition of the black is relative to the poverty among these people of a lower culture.

The epoch of South African history dealt with in this work is now far enough removed to enable it to be dispassionately considered. Thoughtful South African opinion may therefore come to realize that this able study of the past holds some useful lessons for to-day, and on that account pay a tribute to its scholarly author.

C. W. HOBLEY.

The Penetration of Money Economy in Japan and its Effects upon Social and Political Institutions. By MATSUYO TAKIZAWA, Ph.D. (New York: Columbia University Press, 1927.)

THIS addition to the *Columbia Studies in History, Economics, and Public Law* is at once informing and tantalizing. To begin with the title: after having read the book one understands its meaning, which otherwise requires that at least three terms should be defined in the glossary. The object of the book is to describe the successive steps by which, in comparatively recent times, metallic currency was substituted for consumable products, chiefly rice. This food product was the standard of currency until about the end of the sixteenth century of our era, and during the following century its place was by degrees taken by metallic currency. Early in the seventeenth century the daimyos going to Yedo (the present Tokyo) took with them the personnel for their protection, dignity, and service, and the food and other consumables for their maintenance; by the end of that century they more commonly carried the more convenient gold and silver with which to buy what they required, and this was the more easy, since the greater part of the precious metals in the country was in the hands of the 260 daimyos.

Miss Takizawa has traced very clearly the effects produced by this penetration of metallic currency : the development of the towns, and the rise of the merchants who had been lowest in the social scale ; the rise of the gilds, their suppression in 1842, and their reinstitution in 1851 ; the decline of the villages and the growth of the towns (in 1723 the population of Yedo was 526,000, and in 1787 it had grown to not less than 2,285,000) ; the decline of the *samurai* class (the gentry, maintained by allowances of rice issued by their lord) ; the ascendancy of the wealthy merchants ; and the transition to the modern régime. The student of feudal conditions in Europe will find much to interest him in those which prevailed in Japan in full effect down to 1868 ; and in this lies the reason why above we called the book tantalizing. To satisfy the needs of serious students of the feudal system and of its transition everywhere to the modern régime, some day some competent economist, Miss Takizawa or another, taking this book as his (or her) syllabus, must expand it by filling in more detail, making each of its eight chapters equal in length to this volume ; and he (or she) will find for the task ample material in the books of the very satisfactory bibliography with its seventy entries of works published during the Tokugawa period, besides other recent studies. In particular, in a book dealing with the penetration of money economy, the student must be able to find the purchasing power of the *koku* of rice at different dates, and he must have a description of the gold *oban* and *koban*, the silver *bu*, the copper *mon* and *tempo*, and the purchasing power of each. The general reader may fear that so much detail would make the book dull ; but Thorold Rogers, in his *Economic Interpretation of History*, would be less attractive reading if he omitted much of his detail.

Miss Takizawa needs occasionally to be more precise. An example occurs on p. 88, where she says ' this [rice] market came to assume the character of a stock exchange ' ; a student in New York City, publishing in New York, might have found a more apt comparison in the Produce Exchange. Throughout the book, writing for American and English readers, for the (to them) bizarre terms expressing quantity or value she should have given the modern Western equivalent on each mention, and so save each of a thousand readers the task of making the conversion for himself. The glossary (p. 155) requires amplification.

Bu, the smallest gold coin : the writer has a distinct recollection of handling in Yokohama, fifty or more years ago, small rectangular silver *bu* coins, then in current use.

Kin = 160 *momme*, or about 21·2 ounces.

Kwamme, *Kwan*, 2·28 pounds, one thousand *momme*, or *mon*. These equivalents cannot both be right.

Momme, the unit of the silver coin . . . equivalent to 0·133 ounces. This is the ounce avoirdupois of 437½ grains, although the fact is not stated ; but English practice is to weigh the precious metals by the ounce troy of 480 grains.

Ryo or *Koban* : equivalent at the beginning of the Tokugawa period to 10·64 *yen* of the present currency. This is about 21 shillings English currency, if the *yen* is taken as stabilized after the great devaluation of silver ; but in the seventeenth century gold was rated in Japan (and China) at a market price about 1 to 10 of silver, while the mint price in Europe

and India was 1 to 16 of silver. The writer has a note that in 1676 or earlier the Dutch bought *kobans* at Nagasaki at a price of 20 to 26 shillings each, and sold them in India at 30 to 36 shillings each. In the result Japan was stripped of her gold.

Sho = 0.01 *Koku*, or 1.59 quarts; 0.48 standard gallon. There being exactly 4 quarts in a gallon, one figure or the other must be wrong. The author having been educated in the United States, the gallon is presumably of the American standard (the old Winchester gallon); this should be stated, as otherwise English readers may understand it to be the new-fangled English imperial gallon.

These are not blemishes, they are only obscurities which need clarifying. The book is a good book, worthy of all praise. H. B. MORSE.

The Correspondence of John Locke and Edward Clarke. Edited, with a biographical study, by BENJAMIN RAND, of Harvard University. (London: Milford, 1927.)

EDWARD CLARKE has hitherto been little more than a name. By this volume he speaks for himself in his letters, and in the 'biographical narrative', pieced together mainly from the new data furnished by the letters, Professor Rand has made known to us Clarke's family and Locke's relations to the different members of it. The picture presented by the correspondence of Locke's fondness for social intercourse and discussion is charming. Always Locke preferred mixing with chosen friends and fellow thinkers to academic exercises. As a boy at Westminster he was out of touch with school-life, and afterwards looked back upon it (though he had been there in the great days of Dr. Busby!) as exemplifying the wrong principle: 'Non vitae sed scholae discere'. Oxford (he was a student of Christ Church) fell under his reproaches on the ground that he 'never loved the trade of disputing in public in the schools', which led to much wrangling and ostentation rather than to the discovery of truth. Apparently Locke was slow as a student, nor does he seem to have been a really great reader. He was much discouraged as a university man, fearing that 'his no greater progress in knowledge proceeded from his not being fitted or capacitated to be a scholar'. When he became a tutor of his college, and college reader in Greek and Rhetoric, he was out of his element. He decided against becoming a clergyman, but then was undecided whether he would seek a livelihood in medicine or in public affairs. The turning-point in the mental life of John Locke was the study of Descartes. This gave him the feeling that he had really a 'relish for philosophical things'. As Mr. Rand says: 'The clearness of the writings of the philosopher Descartes led him to believe that his dislike of most other metaphysicians may have been due to their obscurity of expression rather than to any defect of his own understanding.' Locke certainly profited by the example of Descartes's clearness, for in lucidity of style he has few rivals amongst philosophers. It is essential to realize that Locke developed late, at any rate, in his ability to express his thoughts. He did not become an author (except for some verses) till 1686, when he was fifty-four years of age. The fact was that he was strongly drawn to practical affairs, joined with an active but deeply ruminating mind—as he himself would express it,

'bottoming' things. In retrospect as to his development, in a letter he explains something of his method of work. 'I have often had experience', he says, 'that a man cannot well judge of his own notions till either by setting them down on paper, or in discoursing them to a friend, he has drawn them out, and, as it were, spread them fairly before himself.' Accordingly, Locke had many manuscripts in existence, and, apparently, never caught them all up into the press, unrevised or revised and recast.

It is this simmering process which must be clearly realized if we are to understand the working of Locke's mind. And it is obvious that there is a special significance in bringing to the light over 200 hitherto unpublished letters of Locke written to intimate friends, especially to Edward Clarke, of Chipley, the gentleman to whom Locke dedicated his *Some Thoughts concerning Education*. Taking into account the slow, late public expression of Locke's thought, and his unusual spontaneity, though exactness of statement, in writing his thoughts in letters to his friends, there is evident value to the historian of education in Professor Rand's edition of the Locke-Clarke correspondence, for it includes the early draft of *Some Thoughts concerning Education* and shows to demonstration the difference between Locke's spontaneous epistolary style and the printed text of 1693. It is very much in the relation to the letters that that discerning and sympathetic critic, the late Mr. R. H. Quick, guessed it was. 'No doubt', says Mr. Quick, 'the letters were more elaborate than they would have been, but for a notion in the writer's mind that they might some day be used as the material for a treatise'; but they were written (to use Locke's own words on a similar occasion) in 'the style which is such as a man writes carelessly to his friends, when he seeks truth, not ornament, and studies only to be in the right, and to be understood'. Anyway, Mr. Quick forms the judgement: 'Hitherto *Some Thoughts concerning Education* has been the solitary English classic in Pedagogy.' It cannot be, then, anything but a most interesting event to have before us the original draft, so to say, of this treatise. We may not presume to say that Locke's later presentation of his subject-matter in 1693, in its finished form, is inferior to the letters themselves, but undoubtedly the personal interest left out in the generalized public treatise gives a setting which both educationists and stylists will delight to peruse.

But besides the draft of *Some Thoughts concerning Education* there are other grounds of interest in these letters of Locke. He is seen as utilizing his medical studies in advice given to his friends on questions of health. But Mr. Rand calls attention to the most valuable contribution to knowledge of Locke in the 'remarkable details concerning the part he played, through the agency of Clarke, in the enactment of the important coinage legislation of the period in England'. Philosophers will be much interested in the new light thrown upon the origin and growth of Locke's *Essay on the Human Understanding* by some of the letters written during his life in Holland. Although Mr. Rand, from the evidence of the letters, places the date of the accidental discussion which set Locke upon his *inquiry* as ten years later than the date usually assigned, we must remember the philosopher's method of slowly revolving philosophical questions in this direction had been going on for years.

Finally, from the correspondence now published in this volume, much

detail can be gathered as to the social and intellectual atmosphere of the time. The intimate circle of correspondents who sometimes call themselves 'the College' make us further acquainted, directly and indirectly, with the charm of Locke's personal character and bearing. His relationship with the Clarke family, and especially with little Elizabeth, whom he playfully calls his 'wife', is delightful. The domestic side of Locke, if we may so speak of a bachelor philosopher, is of interest, as it shows his keen sympathy with young people, and his genuine delight in tracing educational process. Mr. Rand's 'biographical narrative' of Locke and Clarke is an excellent addition to the various biographies extant. The editing of this work has evidently been a labour of love, and students of Locke and of the general atmosphere, social and intellectual, of the period (1682-1704) will find the volume interesting and attractive. FOSTER WATSON.

The Letters of Gertrude Bell. Selected and edited by Lady BELL, D.B.E.
2 vols. (London : Benn, 1927.)

SIR HUGH and Lady Bell have performed a national service in preserving and publishing in selection the letters written to them by their distinguished and lamented daughter regularly through her full and strenuous life. They constitute a fascinating autobiography owing to their informal and intimate character, which even to those who fully appreciated the writer's admirable qualities is likely to reveal many a pleasing trait. And the volumes have that artistic unity which results when the earlier portions prove to have been preparation for something greater wherein the career culminates. Of the fifty-seven years which her life lasted the first volume covers forty-eight, and records travels over a large part of the globe, the acquisition of languages, European and Asiatic, wherein high proficiency was attained, the subordination of travel to archaeology, and trouble taken to acquire the knowledge and the technical skill of various kinds which that pursuit demands; adventures as a mountaineer and explorer, calling for the display of physical courage and endurance, determination and resourcefulness; the entry into diplomatic circles, and acquaintance with leading personalities both here and on the Continent; repeated visits to remote parts of Syria and Mesopotamia, and the establishment of friendly relations with the heads of tribes and other potentates; fame won by highly expert books of travel, translations of Oriental verse, and contributions to Oriental archaeology. And all these experiences and attainments proved to be assets for the work which occupied the last nine years which the second volume covers: assistance in the conquest, the settlement, and the regeneration of Iraq, the country which without impairing her English nationality she adopted for her own.

The letters for this period are important historical documents, though the sequence of events is often interrupted and in consequence obscure. To make it more intelligible Lady Bell has incorporated narratives by the persons best qualified to write them, the first high commissioner, Sir Percy Cox, and his successor, Sir Henry Dobbs. Yet here, too, discretion causes the writers to say little about the origin of the storms which the state of Iraq encountered at the commencement of its course. Certain facts emerge which admit of no question: one is that two persons, Sir

Percy Cox and Gertrude Bell, won the confidence and the affection of the Iraqis to an extent for which it is hard to find a parallel. Another is that, though Miss Bell had strong opinions (such as she was well qualified to form) of the wisdom or unwisdom of certain measures, she devoted all her talents, attainments, and influence to securing the success of the plans adopted by her chiefs, themselves of course directed by the home government, among whose many difficulties must have been the conflicting counsels of those who had special knowledge.

One fact will not escape the notice of the reader as after perusing the first volume he begins upon the second. In the first the writer gives copious evidence of industry and persistence, but leaves the impression of a lady whose time was absolutely at her own disposal. In the second she undertakes the drudgery of an office, working for years with ever-increasing tasks. And such tasks! She compiles manuals of tribal geography and lists of notables; draws maps and plans; reads and composes periodical reports, drafts state papers and statutes; organizes hospitals, schools, and other institutions, and collects funds for their maintenance; edits and censors newspapers; arranges functions of state, nominates officials, and sees to their suitable housing; receives deputations and visits from all sorts of applicants, and like the *hajib* of a sultan settles who shall have an audience of the chief authority and who shall not. The terrible summer of Baghdad does not deter her from remaining at her post, when duty to her mind demands that she should stay. Doubtless the warm appreciation of her services in both her countries nerved her to these efforts, and sustained her in making them; and (if so sacred a matter may be mentioned) her affectionate relations with her family were a source of strength. But ultimately the climate of Iraq won the victory and her health succumbed to it.

D. S. MARGOLIOUTH.

The Science and Method of Politics. By G. E. G. CATLIN, Ph.D. (London: Kegan Paul, 1927.)

DR. CATLIN, who is assistant professor of Political Science in Cornell University, has followed up his study of Hobbes by a more ambitious attempt to deal with a subject which he describes as being almost untouched since the time of Aristotle. The claim may seem to be a surprising one in view of the title of the book. But the essence of Dr. Catlin's claim is that politics ought to be understood in a different sense from that which has been usual. It is generally admitted that the hypothesis of the 'economic man' has been useful, whatever mistakes may have been made through failing to distinguish the economic man from the man of actual life. Dr. Catlin thinks that we ought to be able to produce useful results by starting from the hypothesis of a 'political man'. 'Human action', he tells us, 'is neither arbitrary nor essentially unpredictable, but it is highly complex.' It would seem, therefore, that the multiplication of such hypotheses, each of them isolating (and recognizing that it is isolating) one factor in human nature, is the most hopeful method of arriving at a knowledge of the way in which men act. A hypothesis will fail to be useful unless it bears some resemblance to the facts of life. But certainly the 'desire to gain or maintain power' is an important element in human

nature. If certain individuals should prove to be entirely without it—and, if the words are taken in their widest sense, that is perhaps unlikely—the investigation of the consequences of this desire would not necessarily lose its utility, any more than the economic hypothesis loses its utility through the existence of individuals who care nothing for wealth. A considerable catena of authorities can be cited in favour of using the desire for power as the subject-matter of politics, and Dr. Catlin maintains that this is the right use of the term rather than any of the rival views which have been produced by reaction from it. Politics would accordingly consist in an inquiry into the results produced by the desire for power, and Dr. Catlin shows, by a careful examination of various objections, that this is a suitable subject for scientific research. Politics should therefore be treated apart from ethics: it is not concerned with the best way of bringing about the good life, but with an impartial inquiry into the way in which men have behaved, whether for good or evil, under this one impulse.

Dr. Catlin is as far removed from most of the writers who have based politics on the desire for power, as from those whose treatment he regards as less correct: since, while disclaiming strongly 'any *ultimate* division between the realms of science and of values', he insists on the two subjects being treated separately, and often reminds his readers that it is only in independence from ethics that politics can hope to be really scientific. The value of this conception depends on exact definition, and it would be too much to expect from the author, in what he himself describes as an 'unsystematic contribution' to the subject, that he should have answered all the questions of detail that might be asked. But he has tried to face the difficulties which occur to those who approach the matter from a different side, and, though he is sometimes rather obscure, he does not attempt to shirk the issues.

The first part of the book is occupied with an investigation of the nature of history as forming the material for politics, and in particular with a reasoned rejection of the view that 'History is a science'. The treatment would have gained in clearness if the author had explained earlier what he meant by science: lack of definition is a common feature in the discussion of this subject, and it is not uncommon to find the exponents of one view opposing a contention which their opponents do not intend to maintain.

P. V. M. BENECKE.

An Inventory of the Historical Monuments in Huntingdonshire. (Royal Commission on Historical Monuments.) (London: Stationery Office, 1926.)

GRATITUDE to the Royal Commission on Historical Monuments deepens as the successive volumes are published. Was a great work ever more worthily carried out? The interest is so full that many people will feel compelled to buy the whole series even if they have no local connexions. And yet such books, sumptuously illustrated, can hardly be expected to pay, and it is not surprising that in the present state of the treasury the work cannot be expedited, as every archaeologist and lover of his country could wish.

Huntingdon is not generally regarded as one of the most remarkable

counties, and we think that the present volume will be a revelation to most people with its mass of interesting and beautiful things. As usual, the year 1714 is regarded as the *terminus ad quem*. When one remembers how many charming things are of later date, this is regrettable, but it would be difficult to fix 1800 or even 1760. The expression 'early 18th-century' is mercifully elastic, for many of the houses so described may well be after 1714.

Prehistoric and Roman remains are not specially remarkable, though a county which includes Godmanchester cannot be negligible.

The medieval remains, ecclesiastical and secular, are not of the first rank, but they would bear comparison with those of many another county. Of religious houses far the greatest was the Benedictine Abbey of Ramsey, but only the gatehouse remains at all complete. The nunnery of Hinchingsbrooke gets a fictitious importance from its rebuilding on a grand scale after the Dissolution as a private house. The authors are unable to make out a convincing case as to how much of the medieval walls are incorporated.

The parish churches are of great interest, though not so fine, of course, as in the neighbouring county of Northampton. Only three date partly from the Saxon period, but they include Great Paxton with the remains of an important cruciform structure of the first half of the eleventh century. The Norman period is not very well represented, most of the churches dating from the thirteenth and fourteenth centuries. The greatest feature is the towers and spires, most of the latter being of the broach type, which frequently survives into the fifteenth century.

The plans are of the greatest assistance in following the history of the churches, especially in the more important, when they are hatched according to date. There are some curious obliquities, as for example in the south transept of Morborne church: no explanation is attempted. The parish church of Ramsey, dating from c. 1180 onward, is of special interest, for it appears to have been a hospital in origin; the chancel is vaulted in Angevin fashion.

There are some rich fittings here and there, notably the fourteenth-century oak lectern at Bury, the font at Warboys, the rood-screen and loft at Tilbrook, the stalls at Godmanchester and St. Neots. No less than forty-eight bells are claimed to be medieval.

Of post-Reformation churches the most interesting is Little Gidding, with its wall-panelling and arcading, its charming brass lectern, hour-glass, and font. It is surely carrying too far the concentration on ancient monuments to say nothing of what Little Gidding stands for in the history of the Church of England. Nicholas Ferrar is hardly mentioned.

The secular architecture of the county includes Elton Hall, the fine palace of the bishops of Lincoln at Buckden, a Norman manor-house at Hemingford Grey, and the fine bridges at Huntingdon, St. Ives, and St. Neots. Fortunately a large number of timber-framed houses remain, dating mostly from the seventeenth century. Huntingdon is not a 'cruck' county, such a primitive form of construction being apparently confined to that part of our country which lies north and west of a line drawn from the Wash to the Bristol Channel.

The glossary and index are compiled with the same care as the rest of the volume.

D. H. S. CRANAGE.

Mélanges d'histoire offerts à Henri Pirenne. (Brussels: Vromant, 1926.)

MONSIEUR PIRENNE is probably the most distinguished, and certainly the most influential Belgian scholar of his day. His published work covers an immense field. During his forty years as a teacher at the university of Ghent he has attracted students from many parts of the world. Hence it must have been as easy to find scholars who were eager to do him honour as it was difficult to arrange their heterogeneous contributions in a convenient way. The editors of the *Mélanges* have given up, if they ever attempted, a methodical arrangement of the sixty-five essays at their disposal, and have printed them in the order in which the writers' names come in the alphabet. Each paper is paged separately, but the paging of the two volumes, which is continuous, is given at the foot of each page.

The greater part of the work is concerned with the history of the Netherlands, and especially of the provinces which now constitute Belgium. The essays range from a study of the earliest Frankish invasion to studies in Belgian diplomacy in the nineteenth century. It is impossible to attempt an estimate of their contents here, and we must be satisfied to call attention to them. Students who are interested in the growth of principalities, in the administration of medieval Flanders, in the economic history of the Low Countries, in the modern problems of the Belgian state, should not forget the *Mélanges d'histoire offerts à Henri Pirenne*, the author of the standard history of Belgium. The remaining essays in their rich variety would by themselves compose a worthy *Festschrift*. Leaving aside for the moment the contributions to British history, ten or eleven papers demand special mention. Professor Rostovtzeff, in a paper entitled 'Les classes rurales et les classes citadines dans le haut empire romain', shows how the antagonism between burgess and peasant ended, through the influence of administrative and military changes in the Empire, in the downfall of the former. Father Delehayé traces the strange history of the short-lived cult of the fictitious St. Napoleon. Professor J. Westfall Thompson seeks to prove that the reference to Roland, which appears in some manuscripts of Einhard's life of Charles the Great, was inserted later by Einhard himself as a bit of propaganda during the disasters of the reign of Louis the Pious. Mr. Charles H. Taylor gives reasons for doubting the alleged connexion between the Roman *cadastre* and the Frankish *polyptique*. M. Ferdinand Lot has compiled some very curious and interesting tables, in order to compare the relative extent of capitalist or seignorial holdings and of servile or small holdings in early Frankish times and in contemporary France. He comes to the conclusion that, in spite of economic changes, the relative extent of the two types is very much the same as it was a thousand or more years ago. M. Dept's discussion of the word 'clusas' in two Carolingian diplomas is incidentally an important contribution to the study of Alpine routes in the early middle ages. He shows that the word was at first especially used to describe the Mont Cenis pass. M. Ganshof, concentrating on the point that the lord could be cited as a party in early feudal courts, argues that, so far from being a characteristic of feudalism, this fact goes to establish the continuity of the public *mallus* and the seignorial court. The paper of Professor Haskins on an early Bolognese formulary throws light on life in the early schools at Bologna and also in

feudal France. Two helpful and suggestive essays on social history are M. Prou's on Étampes, *un ville-marché au xii^e siècle* (with a plan), and M. van Werveke's on the trade in medieval lead, a mineral put to such various and important uses. M. van Ortreij writes on the scientific sources of the Mercatorian cartography, and M. Hauser on the economic ideas of Calvin.

Seven papers are concerned with English history and literature. Three are studies in economic history or ideas, Sir William Ashley's on the 'English Improvers', M. Henri E. de Sagher's on the introduction of Flemish and Brabantine weavers into England in the reign of Edward III, and M. Sée's on the historical value of Arthur Young's *Travels in France*. M. de Sagher concludes that the immigration of weavers was confined to the humblest class, and that they settled in areas which had no influence in later developments of the English woollen industry. Professor Carl Stephenson, in his paper on the seignorial tallage in England, shows that the right to tallage was a feudal privilege, universally exercised, and did not imply the existence in the duchy of Normandy of a general ducal imposition. M. Leclère's paper illustrates the extent of the reaction against recent views on Magna Carta. Professor Tout, who with Sir William Ashley speaks for this country, examines the extent to which the English parliament, in its ephemeral attempts to control the administration between 1376 and 1388, could be said to express public opinion. Finally, the Dutch historian, M. Huizinga, contributes a paper upon Edward IV's exile in 1470 at the Burgundian court during the triumph of the earl of Warwick.

F. M. POWICKE.

Short Notices

It was very appropriate that Professor A. A. Macdonell should mark the close of his long and distinguished term of office at Oxford by a broad survey of the literatures, religions, languages, and antiquities of India (*India's Past*, Oxford: Clarendon Press, 1927). His wide range of interests and his investigations in many fields have rendered him especially qualified thus to summarize what is essential in the accomplishment of India and to present it with unfailing lucidity and effect. To the student the book will be invaluable, while all those interested in India can safely have recourse to it as a work eminently free from vagueness or exaggeration. Illustrations, excellently reproduced, add to its attractiveness, and bibliographical suggestions give guidance for further study. Scholars will note with interest Dr. Macdonell's views on issues of recent dispute. On the Bhāsa problem (pp. 103 f.) his attitude is negative but helpful, for he poses questions to which some answer may be attempted. It is not the title only which suggests identity between the Trivandrum *Svapnavāsavadatta* and that referred to by Rājaṣekhara; it is clear from the allusion in the latter that the play he knew contained, as does our text, the fire which did not consume the heroine. The similarity of the Bhāsa plays cannot be ascribed with any plausibility to the peculiarities and exigencies of the stage in Malabar; we have various lists of plays familiar on the Malabar stage, including two plays of Kulaṣekhara-varman, the *Nāgānanda*, the *Ācāryacūḍāmaṇi*, the *Kalyāṇasaugandhika*, &c., and no one could possibly ascribe the Bhāsa plays to the authors of these works. Nor is it any longer true that none of the verses of the Trivandrum plays have been found in anthologies; Čāradātanaya in his *Bhāvaprakāśa* (twelfth century) clearly knew a drama closely similar to our text, and quotes a line which is extant; Bhojadeva, a century earlier, knew the plot of a *Svapnavāsavadatta* corresponding to our text. In any case, however, it is impossible to accept the view that the *Cārudatta* is another rescension of the *Mṛcchakatika* adapted for performance on the Malabar stage (p. 108). The elaborate and detailed comparison of Morgenstierne has established beyond refutation the priority of the *Cārudatta*, and proved the existence at an early date of a dramatist of considerable power. Nor is it really doubtful that the same hand wrote the *Svapnavāsavadatta* and the *Pratijñāyauḡandharāyaṇa*, and that, Bhāsa or no, he is the only Indian dramatist who rivals Kālidāsa. The *Gāudavaho*, of course, deals with the death of a Gauda king, not of Garuḍa (p. 103).

A. B. K.

In his modest but learned little book, *The Documentary Sources of Greek History* (Oxford: Blackwell, 1927), Dr. M. Cary seeks to show the number and variety of non-literary sources—inscriptions public and private, papyri, coins, 'unwritten documents'—in such a way as to stimulate but not to

satisfy' the reader's interest. The truth is, the book is a guide, not a stimulus. No doubt the need for brevity—for Dr. Cary covers the ground to 146 B.C.—is to blame in part for this; but too often the writer misses an opportunity of exciting interest because he forgets, as learned men do, that his readers have not his learning and cannot, as he can, at the mere naming of a dish recall its flavours. One or two characteristic examples must serve. The inscriptions at the Epidaurian Asclepium have five lines allotted, and never a hint that they are amusing and interesting besides being of 'value for the history of Greek medicine', nor any indication of what kind of value they possess in that regard. Under the heading of manumissions we miss the significant fact that the manumitter frequently reserved the right to flog his manumitted slaves. Again, 'the tunnel which Polycrates' engineer Eupalinus drove through the rock near Samos can still be traversed by a "well-girt" and flexible person'. (It can't—but let that pass.) Now this is mere Herodotus: the teaching of the 'unwritten' document is omitted. The well-girt person—if he doesn't mind bats—can go so far up the tunnel as to discover that it was driven from opposite sides of the hill and met with fair accuracy in the middle. That in the sixth century before Christ a ruler—and a usurper—could order, and an engineer execute, such a work is surely a fact of stupendous implications, scientific, economic, political, even spiritual; yet of this the reader gets not the faintest hint. But for any student who has already some little knowledge and some taste for the study Dr. Cary's book is an invaluable guide. A second edition ought certainly to be needed soon: some forty misprints, great and small, might then be emended. D. C. M.

The life of St. Wilfrid written by his disciple, the priest Eddius Stephanus, is, next to Bede, the most important authority for the history of the early Anglo-Saxon church, and that despite the obvious partisanship and suppressions of the author, which have been discussed in two articles in this Review.¹ This in itself justifies its republication with translation and notes by Mr. Bertram Colgrave (*The Life of Bishop Wilfrid by Eddius Stephanus*. Cambridge: University Press, 1927). The translation is faithful, and the notes are adequate. The two last editions of the life appeared in the Rolls Series and in *Monumenta Germaniae Historica*, and are, as Mr. Colgrave states, not commonly found outside public libraries. He is unduly censorious of the former edition, stigmatizing it as 'a very inaccurate piece of work'. Undoubtedly Canon Raine, who edited it, is far from giving a complete collation of his manuscript, but in that respect his work is neither better nor worse than that of other volumes of the Rolls Series. No such criticism can be brought against Levison's edition, which will remain the one which scholars will prefer to use. Mr. Colgrave claims Eddius's life as, 'with the exception of the anonymous life of St. Cuthbert and Bede's metrical life of the same saint, the earliest piece of biography we possess'. The Whitby monk's life of Gregory the Great is also of earlier date, and it is not to the credit of English historical scholarship that one of the very earliest examples of our biographical literature can only be read in a German *Festschrift*.² The early lives of St. Cuthbert stand more in need

¹ *Ante*, vi. 535–50; xxxiv. 1–24.

² *Historische Aufsätze an Georg Waitz gewidmet* (1886), pp. 47–84.

of critical editing than the life of Wilfrid ; and should Mr. Colgrave turn his attention to the patron saint of Durham, he will earn our greater gratitude.

H. H. E. C.

Dr. Eugeen Daniëls's book on *De invallen der Hongaren, hun groote inval in Lotharingen ten jare 954* (Vlaamsch Historisch Boekenfonds, nr. 3, Antwerpen : Opdebeek, 1926), is perhaps inclined to overrate a little the advance it makes over the last comprehensive study of the subject in Dr. Rudolf Lüttich's well-known book of 1910. This advance consists mainly in the additions the author, as an historian from Louvain university, has been able to make to the Louvain part of the chief Hungarian invasion from local sources, such as monastic chronicles and biographies, and especially from the *Acta Sanctorum* of the Bollandists, the Benedictines, and of Belgium. In utilizing certain lively details given by these sources he might have been a little more mindful of the danger of accepting typical traits of ecclesiastical narrative for real matter of fact. A general chapter on the character and manners of the Hungarians, although not uncritical of the naturally one-sided pictures of them drawn by Western historians, would have been an impossible task also for a riper scholar not acquainted even with such modern and easily accessible authorities as Joseph Szinnyei's book on *Die Herkunft der Ungarn, ihre Sprache und Urkultur* (series 1, nr. 1 of the lamented Robert Gragger's 'Ungarische Bibliothek').

C. B.

Life and Work in Medieval Europe (London : Kegan Paul, 1927) is an English translation by Dr. Eileen Power of P. Boissonade's book *Le Travail dans l'Europe Chrétienne au Moyen Âge* (1921). Miss Power has been well advised to undertake the task. M. Boissonade's work is the best short economic history of medieval Europe and is not so well known in this country as it deserves to be. It was the result of wide and careful reading, of many years' study, of which the first-fruits were his bibliographical articles in the *Revue de Synthèse Historique* and the *Revue Historique*. It is not a philosophical nor a statistical survey, but a piece of descriptive history, of generalizations supported by an array of well-chosen detail. One would not turn to it for a study of the rise of feudalism or of capitalism ; the why and wherefore of change are taken too much for granted ; but, as a wide and sensible survey of conditions at different periods between the fifth and fifteenth centuries, the book can be cordially recommended. The style is lucid and interesting ; the range is comprehensive yet balanced. A very valuable feature is the interlacing in the description of East and West, so that the reader never loses sight of the far-reaching importance of Byzantine influences. M. Boissonade's sympathies are with the depressed classes of society. He writes with most interest about the status of the peasant and the artisan. But he is thoroughly fair. 'Little by little they awoke to the life of the mind, and their adroit and mocking wit made itself felt in Italy, France, the Low Countries, and Spain' (p. 268). The book is full of nice touches which lose nothing in the translation. Miss Power has added some attractive illustrations and an index, in which the references to the various countries and provinces are usefully arranged. She might with advantage have brought the bibliography up to date.

F. M. P.

The Story of Reckoning in the Middle Ages (London : Harrap, 1926), by Miss F. A. Yeldham, is a somewhat slight piece of work, but useful as giving an intelligible account of how unlettered persons used the abacus for arithmetic up to division, and an analysis of the English version of the *Algorism* of John de Sacrobosco. Miss Yeldham has not considered the account of exchequer practice in the *Dialogus*, nor the calculations for obtaining silver of standard fineness in the treatise 'De Moneta' in the Red Book of the Exchequer, which would have been valuable evidence of medieval practice. Her translation of Bede's *De Indigitatione* suggests a doubt whether her knowledge of Latin is quite adequate to the task which she has set herself. C. J.

Professor Haskins is a great teacher as well as a great scholar. He knows that his more learned writings must be closed books to the young student and the general reader ; and he would rather seek these out for himself than leave them to the popularizer. Hence he followed up his studies in Norman institutions by his lectures on the Normans in Europe ; and he has now followed up his researches in the history of medieval science and culture by the present volume, *The Renaissance of the Twelfth Century* (Cambridge, Mass. : Harvard University Press, 1927). The advantage of this method is that we have the author's mature reflections upon the bearing of his highly specialized work and upon its relation to the period as a whole. Mr. Haskins has not covered all the ground which he surveys in this book either in his previous studies or, we presume, in his forthcoming studies in medieval culture. The chapters on Latin poetry and language and on the revival in philosophy, for example, are mainly based upon the labour of others. But few scholars of such intensive interests have ever succeeded in retaining a wide outlook and a genial understanding of all human interests as he has ; and it would be difficult for any reader who was not familiar with the earlier book to distinguish between one chapter and another. It is superfluous to attempt a description, for every one will wish to read for himself, and make this his guide to a fuller knowledge of the intellectual life of the twelfth century. The only criticism which I am tempted to make is that there is a lack of atmosphere about the book. This is the defect, if it is a defect, of the quality, characteristic of all Mr. Haskins's work, of rigid and clear-cut solidity. Mr. Poole, an equally accurate and solid scholar, succeeded, in virtue of his sympathetic appreciation of theological issues, in avoiding a defect of this kind in his classical book, and it is rather unfortunate, I venture to think, that Mr. Haskins has made no attempt to show how the theological revival of the twelfth century was related to the humanities. It seems unfair to dismiss Hugh of St. Victor, who appealed to thinkers of all kinds and inspired Dante, in a few sentences. The slighting reference to the intellectual poverty of the English Benedictine houses in the eleventh and twelfth centuries would have shocked the late Edmund Bishop ; and the significance of theological inquiry in the twelfth century, not considered by Mr. Haskins, is apparent from an essay like that of Father Ghellinck in the *Dictionnaire de Théologie Catholique* on twelfth-century speculation upon the Eucharist. F. M. P.

St. Francis of Assisi, 1226-1226 : Essays in Commemoration (London : University of London Press, 1927) was the last tribute to his favourite

subject of study to be made by the late Dr. Walter Seton. Scholars well versed in Franciscan history will find much to reflect upon, notably in the first two essays, 'Some Franciscan Subjects in Italian Art' by Professor Tancred Borenius, and Professor Burkitt's fine critical study of the sources of the life of St. Francis.¹ And the general reader, already acquainted with the writings of M. Sabatier and others, will probably find here the best available introduction to the deeper problems, the wider issues roused by the story of St. Francis. The essays of Professor Edmund Gardner on 'St. Francis and Dante' and the Fioretti, and that of Miss Evelyn Underhill on Jacopone da Todi and Angela of Foligno, are written with characteristic charm and insight. Mr. Little's paper on the Franciscan School at Oxford, though a masterly *résumé*, has already been overshadowed by his more recent study on the same subject.² The editor's own contributions on the last two years of the life and on the 'rediscovery' of St. Francis are of unequal value, and involve some repetition of work done by other contributors. Two of the remaining essays, those by Dr. Pellizzi on 'Franciscan Thought and Modern Philosophy', and by Mrs. Arthur Strong on 'St. Francis in Rome', do not seem to fit quite successfully into the general scheme of the volume: the former is too remote and general in its treatment; the latter, though learned, needlessly difficult and speculative. In many ways the most suggestive and original essay is the fifth, by Mr. Harold Goad, entitled 'The Dilemma of St. Francis and the Two Traditions'. This will provoke some dissent, but it is an honest and realistic attempt to explain the situation which the much-criticized Elias tried to face. Mr. Goad shows that there was work to be done by the new order in the everyday life of the church which no others could do, and that this work was not inconsistent with the mind of St. Francis, even though it involved an acceptance of limitations and compromises which were alien to his spirit. Mr. Goad's picture of the growth of the Italian cities outside the old walls, and of the Franciscan provision for the spiritual well-being of the new suburbs, is particularly suggestive. F. M. P.

The Wandering Scholars is the title of Miss Helen Waddell's book (London: Constable, 1927), but they are not always her theme, nor even its most significant part. The spirit of the *Pervigilium Veneris* breathing through the Latin poetry of the Middle Ages is her true subject, and she selects her poets in accordance with their sensitiveness to the charm of nature and their power of expressing passion. Her choice has been generally excellent, and the translations, especially of Paulinus of Nola and Walafrid Strabo, are often admirable. But her tendency to seek out romanticism wherever she can is rather misleading, and the peculiar intensity of her method is bound to raise criticism of a number of her conclusions. An instance is her treatment of the *Psychomachia* of Prudentius. She sees in his rather heavily pedantic battle of Vices and Virtues 'the

¹ With this essay compare Mr. Little's paper in the *Proceedings of the British Academy* (1926) on 'Some recently discovered Franciscan Documents and their Relations to the Second Life by Celano and the *Speculum Perfectionis*'. It seems almost impossible, in the light of Professor Burkitt's and Mr. Little's analysis, to maintain an early date for the *Speculum*.

² 'The Franciscan School at Oxford', *Archivum Franciscanum Historicum*, 1926.

first expression of the eternal problem, of Spenser's *Faerie Queen*, of Keats's *Hyperion*, and goes on to find a parallel in Marlowe. In actual fact the theme so stated is as old as Plautus (the prologue to the *Trinummus*); Tertullian has it in his portrait of Patience, and it comes in Claudian's description of the Gardens of Venus in the *De Nuptiis Honorii et Mariae*. Again, it is hardly possible to compare the remonstrances of Ausonius to the far-distant and long-silent Paulinus with the lament of Po Chu-i in exile; and the 'Chinese' element in Ausonius, if it existed, is in accordance with the usual Gallo-Roman traditions of *politesse*, and is carried no farther. The book has many of these imaginative excrescences; but it has also passages of disturbing beauty and fine penetration, and one is grateful for so engaging a discussion of the *Ars dictaminis* and of Buoncompagno. It is a little surprising that, when the *Vagantes* proper are at length reached, no attempt should have been made to discuss the music of their lyrics, for they were written for the most part to be sung. Might not the Antiphonary of Piero de' Medici, copied with the musical notation in France about 1300 (and now in the Laurentian Library), have provided at least a basis for such treatment? Here at any rate is a musical classification of lyric. On p. 185, 'muscis comitatur, Homere' (for *musis*), and in Damiani's *De Gloria Paradisi*, 'scandala non perferunt' (for *scandalum*), are significant misreadings.

E. F. J.

Under the general editorship of Dr. M. Grabmann and Father F. Pelster, S.J., a *Series Scholastica et Mystica* is being issued (Münster: Aschendorff, 1926) as part of a collection of *opuscula et textus* illustrating the history and doctrines of the church. Only small works, or extracts from larger ones, will be included, and the editing will not go beyond an introductory note and some references to variant readings. The three first numbers in the series are the *De Ente et Essentia* of St. Thomas Aquinas, an extract from the same author's commentary on the *Sentences*, and the *Quaestio de Magisterio Infallibili Romani Pontificis* of Guido Terreni. These are edited, respectively, by Dr. L. Baur, Father F. Pelster, and Father B. Xiberta. Guido Terreni was a native of Perpignan, born in 1270, who became a Carmelite and was elected *prior generalis* of the order in 1318. His tract contains nothing of special interest; for though he appears to associate papal infallibility with the *consilium cardinalium*, the editor is doubtless right in his opinion that this does not imply any real dependence of the pope upon the advice or consent of any one else. W. H. V. R.

From a manuscript volume of miscellaneous writings of the fourteenth and fifteenth centuries, formerly preserved in the church of Schweinitz, now in the University Library at Prague, S. Steinherz has printed two letters: the first, a brief request from Wenceslas to his father, the Emperor Charles IV, for instructions as to how a German king should rule; the second, the answer, a long letter from the emperor on the duties of a king (*Ein Fürstenspiegel Karls IV*; *Quellen und Forschungen auf dem Gebiete der Geschichte*, Heft 3: Prague, 1925). They are dated with some certainty in 1377, that is to say, soon after Wenceslas's election as king of the Romans in June 1376. If Wenceslas expected some practical hints on government he was disappointed, for the emperor tells nothing from

his own wide experience of politics—no advice as to relations with foreign powers, treatment of the German princes, and such other matters of interest to the young ruler. His letter is a composition drawn from the Bible, from Roman history, from the writings of Cicero and Seneca. It is of no value from the point of view of political history. Its interest is the light it throws on the intellectual position of Charles IV. A. L. P.

Professor J. M. Manly's book, *Some New Light on Chaucer* (New York: Holt, 1926), a course of lectures delivered before the Lowell Institute at Boston, is a somewhat imaginative attempt to fill in details in the life of Chaucer, and to identify some of the characters of the *Canterbury Tales*. The book is chiefly valuable as criticism of the current views on Chaucer's life, which, as Professor Manly rightly points out, are no more certain than his own highly speculative conclusions. And even though the effort to trace in the Close Rolls the originals of the Franklin or the Shipman may seem a waste of labour, it is due to a sound literary instinct which finds expression in the last chapter: the feeling that Chaucer's characters, like Jane Austen's, were 'only just like people you run across any day.' The professed medievalist will notice a few slips in detail. Thus Margaret Marshal was the cousin, not the aunt of Edward III, and Professor Manly does not seem quite sure-footed in distinguishing monks and friars, clerks in Holy orders, and clerks who might marry. It may be thought pedantic to question whether Burstall was ever 'Master' of the Rolls, for it is quite likely that he was so called in common speech. But one may ask why John de Wesenham should appear in the index while his partner Walter de Chiriton is omitted. C. J.

Dr. K. Heeringa's edition of *Rekeningen van het Bisdom Utrecht, 1378-1573*, part i, fasc. 1 and 2 (Utrecht: Kemink, 1926), which is issued by the Utrecht Historical Society, is hardly of as much general interest as the accounts of the counts of Hainault which were edited by Dr. Smit, and of which a notice has already appeared.¹ The sections now issued are as yet without introduction or index, and relate exclusively to the temporalities of the see, in which are included the tithes from the episcopal domains. The accounts from 1378 to 1430 deal with the southern lands, comprised in the modern province of Utrecht; those from 1492 to 1508 with the northern territories of Overijssel and Drenthe. An appendix contains the accounts of the receiver of tithes in the southern lands from 1547 to 1556. They are all in Dutch, and give a detailed picture of the administration of a great estate. The sources of revenue are, as usual, chief-rents, demesne, leases, corn- and cattle-rents, tithes, tolls, assize of ale, shipping dues, heriots, marriage and enfranchisement of serfs, and on the not infrequent occasions when the bishop took part in the long war betwixt the 'Cod' and 'Hook' factions, the ransom of prisoners. The tithes, tolls, and assizes were usually let to farm. In the northern district heavy expenses were incurred in the repair of dikes. A great variety of coins were current, and constantly varying rates of exchange are indicated, which should be of value to numismatists. Besides the actual exchanges of coin, a further complication is introduced by the necessity of expressing the fixed chief-

¹ *Ante*, xli. 595.

rents, reckoned in pounds, shillings, and pence, in terms of the currency in which the accounts were for the moment being kept. Thus, the same number of pounds might have entirely different values in florins in different districts, presumably because the depreciation of the pound was greater at the time when the rents were fixed in one district than when they were fixed in another. English affairs are hardly mentioned, though Rodolph of Diepholt, who was contesting the see with Martin Zweder of Culenburg, sent an embassy to England in the spring of 1428, possibly in hopes of obtaining further English support for Jacqueline of Holland. There are, of course, many interesting entries; for instance, a charge in the kitchen account for 1379 for swallows and finches, and in the corn account for 1500 for buckwheat given to the bishop's peacocks. Many of the building expenses are worth studying, and an account for sawing wood in 1509 is striking from its similarity to a modern sawmill account, the work being reckoned in lineal feet of standard thickness. The sum is obtained by multiplying the length of the log by the number of cuts and augmenting or diminishing the product according as the thickness of the wood exceeds the standard or the reverse.

C. J.

Very little, and that not recent, has been published in English on the law and practice of the ancient Portuguese constitution; and Professor E. Prestage's pamphlet, *The Royal Power and the Cortes in Portugal* (Watford: privately printed, 1927), comes to fill a serious gap in our historical literature. Dr. Prestage emphasizes the supremacy of the king, heir of Roman imperial and even of Moslem traditions: the nobles and the church were a greater check in practice than in theory, and feudalism was but imperfectly developed, though perhaps more than Dr. Prestage allows. The only assured governmental right of the Cortes (in which from 1254 at least the burgesses formed a third estate) was the granting of fresh taxation. They could advise, petition, complain, and rebuke, but their consent was not necessary for legislation. The analogies with the immature parliaments of Edward I are marked, and serve to bring out both the generic likeness of these medieval institutions and the profound importance of the points of difference which led to their diverse development. B.

Perhaps the new impression of Charles Beard's lectures on *The Reformation of the Sixteenth Century in its Relation to Modern Thought and Knowledge*, with an introduction by Professor Ernest Barker (London: Constable, 1927), indicates that the judgement of the protestant revolution is again changing. Regarding religion as in constant need of readjustment to advancing thought, Beard, the unitarian minister of Liverpool, aimed 'to establish the necessity of a new Reformation' (p. 406). This thought coloured his whole conception of the protestant movement, which to him seemed essentially liberal, 'the first great triumph of the scientific spirit and a very effectual assertion of human liberty' (p. 148), an important part of the awakening of the intellect of mankind at the renaissance, from which he thought had proceeded the scientific and historical researches of the last three centuries (p. 2). But even as Beard wrote, the verdict had been given by other historians and philosophers that the Reformation was 'a reaction of backward spirits against the Italian Renaissance', 'a reduplication of

the medieval spirit when that spirit no longer had a good conscience'. This opinion, latent in Janssen and patent, all too patent, in Nietzsche, gradually gained ground until it received its finest, because most carefully guarded, expression in Troeltsch's essay, *Die Bedeutung des Protestantismus für die Entstehung der modernen Welt* (1906). During the last decade, however, there has been a distinct return to Beard's view, which is probably nearer the truth, though too broadly stated. In one other respect, however, Beard's work is now obsolete. He regarded the intellectual life of the race, or of its leaders, as the *causa causans* of all historical change. But the economic historians have taught us that in the sixteenth century, at least, the intellectual movement, so long worshipped as a first cause, was but itself a *causa causata*, a secondary effect of antecedent material changes. The Reformation, it has been urged, was but the cultural readjustment to the new situation created by the rise of national states, by the commercial revolution, and by the invention of printing. P. S.

A revived interest in Acontius has led to Dr. W. Koehler's critical edition of his chief work, *Satanae Stratagematum libri octo* (Munich: Reinhardt, 1927). He was a typical son of the Italian renaissance; a lawyer first, but an expert in engineering and fortification, endowed with an analysing brain which naturally threw him on the side of reform. The first of his books, an essay on scientific method, was published at Basle in 1558. It is not included in this edition. Thence he passed by Strasbourg to England, where he was naturalized and pensioned, and spent the rest of his days. Here he produced his chief book, *Stratagemata Satanae*. It is this that is now reprinted with an appendix of letters. It had a curious literary history. Piero Perna produced at Basle in 1565 two editions of it in Latin and one in French. Then, in spite of a florid dedication to Queen Elizabeth, the book slumbered, except for a reprint in 1582 which (like some later editions mentioned in the *Dictionary of National Biography*) the editor has not succeeded in tracing. Then in 1610 there began a boom. The Latin was printed at Basle. The next year saw a Dutch translation issue at the Hague and the French version at Delft. Three more editions of the Latin were issued at Basle in 1616, 1618, 1620, followed by one at Amsterdam in 1624. Then England intervened with editions of 1631, 1648, 1650, and an English translation of 1648 and 1651. Then Holland's turn comes again with editions of 1652, 1661, 1664, 1674, and another in Dutch of 1660. A German version had been issued in 1647. The explanation of this curious history is that the work is not an ordinary book dealing with the theological points disputed at the Reformation. Acontius is an ardent reformer: but his interest lies with the principles involved in the debates rather than with the details. He stands back from the cockpit of controversy and discusses the evils of controversy, the right ways of conducting it, the duty of the authorities, ecclesiastical and civil, in regard to it, and even the need and limits of toleration. Thus his book was even more of interest to the controversial world in the seventeenth century than it had been in the sixteenth. And so it comes to pass that there is now a revival of interest in a writer who could take this line, and in the days of religious polemics calmly set himself to show how all this favoured the establishment of the kingdom of Satan rather than the king-

dom of God. In consequence of this scope the references in the book to the points in debate at the Reformation are few. They are cited merely as instances in the course of the argument, and are handled with considerable detachment. Is it the case, he asks, that abuse of the papacy and the 'Pontificii' is in itself a sign of piety? Clearly not. Then why do so many behave as if it was? The passage thus summarized gives a taste of the quality of the book, and of the critical intelligence and interest in method exhibited by the writer.

W. T.

Professor A. S. Aiton, of the University of Michigan, has written an excellent account of *Antonio de Mendoza, First Viceroy of New Spain* (Durham, N.C.: Duke University Press, 1927), lucid, well balanced, and comprehensive, yet not overburdened with detail, notwithstanding the difficulty of selection from the great quantity of manuscripts which the author has studied in the archives of the Indies and elsewhere, besides copious printed material. The book deals worthily with the 'imposing record' of this magnificent nobleman and great man, 'the first great administrator in the New World', 'the greatest organizer of exploring expeditions in the sixteenth century', who in fifteen years of wise and devoted service (1535-50) 'created the office of viceroy in America'. Professor Aiton treats with moderation and fairness Mendoza's efforts to adjust 'the contact of two widely divergent races and of a higher and lower form of civilization'. The royal commands to protect the Indians were inconsistent with the demand for increased revenue and with the necessity of Indian labour to support the Spanish settlements. 'Faced by this dilemma, he sought to find a middle course and permit services with proper restriction and supervision.' A story so picturesque and so well told should attract many readers.

F. A. K.

Professor J. L. Mecham, of the University of Texas, has studied unexplored manuscripts in the Archives of the Indies at Seville, and in his book *Francisco de Ibarra and Nueva Viscaya* (Durham, N.C.: Duke University Press, 1927) has done justice to a notable but hitherto little-known figure among the later Spanish *conquistadores*, one who started his public career at the age of sixteen, in 1554, and 'dominated for twenty years the history of the vast region comprising the present States of Sonora, Sinaloa, Chihuahua, and Durango', a region which he 'explored and secured for the Spanish crown'. As captain, administrator, and friend of the Indians, he repaired the disasters due to the excesses and blunders of his predecessors and laid the foundation of regular Spanish government. His own hopes of fortune and repose were never realized; he died of consumption at the age of thirty-six. Much is crowded into these 265 pages; the book would be more manageable if some of its matter had been eliminated and some of it relegated to foot-notes or appendixes. But the attentive reader is rewarded. This story of one who proved himself 'a gentleman, capable and prudent', fills an historical gap and provides valuable illustrations of the better aspect of Spanish methods in the New World. One or two statements, unconnected with the main subject of the book, are dubious: e.g. the remark on p. 6 that 'in only a few notable exceptions were royal commissions

conferred upon applicants of common origin : the fortunate circumstance of noble birth was the open sesame to opportunity in his Catholic Majesty's new dominions ' is an over-statement which hardly applies to the earlier explorers and conquerors. Many of these, whatever their origin, were *hijos de sus propias hazañas*. F. A. K.

The latest volume in the series of 'English Theologians', edited by S. L. Ollard and W. Spens, is *Archbishop Bramhall* (London : Society for Promoting Christian Knowledge, 1927), by Dr. W. J. Sparrow Simpson. A good deal of space is devoted to the facts of Bramhall's life, but no new materials are adduced. The author makes skilful use of Bramhall's writings in piecing together the story, but does not show as much curiosity about mundane affairs as we could wish. Venn's *Alumni Cantabrigienses* would have informed him that Bramhall was admitted to Sidney Sussex as a scholar, and that the true date of his admission was 21 February 1608-9. Dr. Simpson omits to give us the name of Bramhall's wife, though the marriage with Elinor Halley seems to have laid the foundation of Bramhall's career. He is quite convinced that Bramhall was in a state of destitution during the twelve years of exile (1649-60). But the evidence here stated is not conclusive, and we are left wondering how it happened that Bramhall's eldest son was able in later years to support the dignity of a baronet, and his eldest daughter to marry a son of the earl of Monteith. It is hardly possible to resuscitate Bramhall's controversial writings ; but his defence of the divine right of kings in the *Serpent's Salve* (1643), his attack on presbyterian church discipline in the *Fair Warning* (1649), and his criticisms of Hobbes' doctrines in 1645 and 1648 sufficiently account for his reputation among his Anglican contemporaries. H. W. C. D.

Schetsen uit de Geschiedenis van ons Zeewezen, by Dr. Johan E. Elias, Part IV (1652-3) (The Hague : Nijhoff, 1927), follows the same lines as the earlier parts already noticed in this Review.¹ It covers the preparations for the general convoy to the West and Tromp's voyage down Channel, with his battle with Blake off Dungeness (10 December 1652), when he nearly succeeded in crushing the English fleet ; his visit to the Île de Ré and long delay there, during which the English were able to repair their shattered forces ; his return and the three days' battle in the Channel (28 February, 1 March, and 2 March), which gradually turned more and more against the Dutch till Tromp was glad to get the remnants of his fleet home. There is a full discussion of the various plans which their high mightinesses made for blockading the river of London, with a full account of the endless difficulties which they encountered in equipping their fleet, due to the complete lack of any effective central control and the jealousies of the various authorities concerned, especially between Amsterdam, whose merchants detested general convoys, and the other towns. The last episode dealt with is De Witt's unsuccessful raid on the English colliers at Scarborough (18 April 1653). The narrative is clear and interesting, and is well supported by references to the original authorities. (There is, however, something wrong at the end of p. 39, where there is a gap between the end of the page, which ends in the middle of a word, and p. 40.) It appears from some remarks of

¹ *Ante*, xxxii. 622 ; xxxix. 150 ; xli. 310.

Dr. Elias that the translations of Dutch documents, printed by the Navy Record Society in their volumes of Letters and Papers about the First Dutch War, are seriously incorrect. Tromp in a dispatch of 4 March 1653 is made to say 'on the same day after the fight was over, I summoned Vice Admiral Jan Evertsen and Commadore de Ruijter to come on board that we might admonish the Rear Admiral, who was some distance off, and who with some others has shot very much at random' (iv. 118). But the original, which contains no hint of any desire of Tromp to admonish or any comment on the accuracy of his subordinate's gun-fire, is really concerned with the admiral's anxiety to get his ships repaired which had been disabled by the English gun-fire. Again, in part. iii, p. 235, the statement 'that they had learned from a vessel from Sluys' has no support in the Dutch text.

H. L.

The great collection of Danish-Norwegian treaties from the secession of Sweden to the middle of the eighteenth century (*Danmark-Norges traktater 1523-1750*. København: Gad, 1926) has attained its majority with the seventh volume, which devotes some 700 pages to the years 1676-82. The compiler, National-archivist L. Laursen, has as usual furnished very full and valuable introductions to the several sections, and besides a full chronological summary and an index of proper names, there is a regional table of contents which is also repeated in French. Secondary documents and agreements which failed to secure ratification are printed in full. Except for a small share in bringing about the treaties of Nymegen, England hardly figures in the documentary portion of the work.

W. F. R.

The *Diary* of Henry Teonge, chaplain on board the *Assistance*, Bristol, and *Royal Oak*, 1675-9, was first published in 1825, the year in which Pepys's *Diary* saw the light. At that time transcriptions were often inaccurate, manuscripts were handled with freedom, and bowdlerizing was a pious duty. Teonge's original editor exhibits all these defects, and although he does not display the astonishing prudery which Lord Braybrooke brought to bear upon the editing of Pepys, he prunes as well as interpolates. The appearance in the Broadway Travellers Series (London: Routledge, 1927) of a new edition, transcribed from the original manuscript, with an excellent introduction and notes by Mr. G. E. Manwaring, is therefore a welcome event. The format of the book is particularly attractive, and the editors of the series, Sir E. Denison Ross and Dr. Eileen Power, are to be congratulated on having included among the illustrations a reproduction of a fine portrait of Sir John Narbrough, the distinguished seaman of whom Pepys thought so highly. Teonge's *Diary*, as Mr. Manwaring remarks, 'is an intensely human document, brimful of fun and good humour', and 'as a picture of the life on board ship during the period it embraces it could hardly be bettered'. It is strange that so convincing a production should have been at one time mistaken for a forgery, but this legend is now finally disposed of by the new edition.

J. R. T.

The general outline of the history of Scotland during 1684 is not likely to be changed by *The Register of the Privy Council of Scotland*, third series,

vol. ix (Edinburgh : General Register House, 1924), but new, or at least more definite, information is forthcoming about many individuals. The *Register* fully supports the view that the Covenanters were subjected to a relentless persecution and that torture was frequently used to extract information from them. Wodrow is vindicated so far as the main structure of his work is concerned, but inevitably is convicted of some inaccuracies in detail. The treatment meted out to some of the prisoners in the hands of the Scottish government is even harsher than has been supposed hitherto. The worst case was undoubtedly William Spence's. He was correctly suspected to have the secret of the cipher of two intercepted letters of Argyle. To force him to reveal this he was ordered to be tortured by the boot on 24 July 1684. Since he still proved obdurate, two days later soldiers were ordered to prevent him from sleeping day or night. This he successfully resisted, so a third order for his torture by the thumbscrew was issued. Mr. Willcock, in his *A Scots Earl* (p. 316), remarks that this 'seems to have been a pedantic method of giving him an opportunity to petition for his discharge on making some statements regarding what he knew of the plot'. The records show that Spence long endured the agony of the thumbscrew before he at length yielded. Even then he was not set at liberty, for six weeks later Dalziel was directed to convey him to Dumbarton, where he was to be kept a close prisoner. The case of Carstares has attracted more attention. It is clear that the thumbscrew was applied most rigorously for nearly an hour, when the probability that he would faint caused the councillors to order a respite until the morrow, when he was threatened with the boot (this seems to dispose of the anecdote about the executioner's inability to apply the boot as recorded by M'Cormick). But the next day Drummond of Lundin reported that the torture had done its work, and was authorized to accept a confession upon terms approved by the council. No light is thrown upon the document in Drummond's handwriting, which Story printed in his *Life of Carstares*, and which contains conditions differing from those in the official record. Burnet's account of the treatment of Robert Baillie by the council, which is reproduced in the *Dictionary of National Biography*, needs modification. The story that Baillie's wife vainly offered to be put in irons if she might be permitted to nurse her sick husband must now be rejected, for she and Helen Johnston, Lady Graden, attended him in prison. Of more general interest are the entries relating to the transportation for life of undesirables to Carolina. A word of praise must be added on the high standard of editing and the pregnant brevity of the introduction.

G. D.

The second volume of Mr. L. F. Stock's *Proceedings and Debates of the British Parliaments respecting North America*¹ (The Carnegie Institution of Washington, 1927) covers the period 1689 to 1702. As in vol. i he gives a brief but sufficient note in the preface upon the sources from which he has derived his material ; these are rather less varied than was the case in the earlier period, and on the whole present fewer pitfalls for the unwary. As almost the whole of the material upon which Mr. Stock depends is already in print, there is really very little in the volume that can claim to be novel, though the report of the lengthy debate on the relations between Bellomont

¹ For the scope of this work see *ante*, xli. 468.

Dr. Elias that the translations of Dutch documents, printed by the Navy Record Society in their volumes of Letters and Papers about the First Dutch War, are seriously incorrect. Tromp in a dispatch of 4 March 1653 is made to say 'on the same day after the fight was over, I summoned Vice Admiral Jan Evertsen and Commadore de Ruijter to come on board that we might admonish the Rear Admiral, who was some distance off, and who with some others has shot very much at random' (iv. 118). But the original, which contains no hint of any desire of Tromp to admonish or any comment on the accuracy of his subordinate's gun-fire, is really concerned with the admiral's anxiety to get his ships repaired which had been disabled by the English gun-fire. Again, in part. iii, p. 235, the statement 'that they had learned from a vessel from Sluys' has no support in the Dutch text.

H. L.

The great collection of Danish-Norwegian treaties from the secession of Sweden to the middle of the eighteenth century (*Danmark-Norges traktater 1523-1750*. København: Gad, 1926) has attained its majority with the seventh volume, which devotes some 700 pages to the years 1676-82. The compiler, National-archivist L. Laursen, has as usual furnished very full and valuable introductions to the several sections, and besides a full chronological summary and an index of proper names, there is a regional table of contents which is also repeated in French. Secondary documents and agreements which failed to secure ratification are printed in full. Except for a small share in bringing about the treaties of Nymegen, England hardly figures in the documentary portion of the work.

W. F. R.

The *Diary* of Henry Teonge, chaplain on board the *Assistance*, Bristol, and *Royal Oak*, 1675-9, was first published in 1825, the year in which Pepys's *Diary* saw the light. At that time transcriptions were often inaccurate, manuscripts were handled with freedom, and bowdlerizing was a pious duty. Teonge's original editor exhibits all these defects, and although he does not display the astonishing prudery which Lord Braybrooke brought to bear upon the editing of Pepys, he prunes as well as interpolates. The appearance in the Broadway Travellers Series (London: Routledge, 1927) of a new edition, transcribed from the original manuscript, with an excellent introduction and notes by Mr. G. E. Manwaring, is therefore a welcome event. The format of the book is particularly attractive, and the editors of the series, Sir E. Denison Ross and Dr. Eileen Power, are to be congratulated on having included among the illustrations a reproduction of a fine portrait of Sir John Narbrough, the distinguished seaman of Pepys thought so highly. Teonge's *Diary*, as Mr. Manwaring says, is 'an intensely human document, brimful of fun and good sense, and a picture of the life on board ship during the Restoration which hardly be bettered'. It is a document which has been at one time finally disposed of.

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and Captain Kidd is interesting and has not hitherto been printed. The editorial work appears to be uniformly good, and the debates are very well annotated with references to parallel and illustrative documents. The only improvement that might be suggested is a list of abbreviations: 'A. P. S.' does not at once spring to the eye as 'Acts of the Parliament of Scotland'.

E. R. A.

Professor G. H. Guttridge in his interesting and careful monograph on *David Hartley, M.P., an Advocate of Conciliation, 1774-1783* (University of California, Publications in History, vol. xiv, no. 3. Berkeley, California: 1926), disarms criticism by acknowledging the danger of attributing in enthusiasm a greater influence to the subject than the facts warrant. What is open to criticism is not so much his attitude towards Hartley as the manner in which he adopts the view of Shelburne as a mere 'palaverer' according to contemporary prejudices. On this point Professor Alvord's powerful criticisms seem to be wholly ignored. No importance appears to be attached either by Hartley or his biographer to the all-important subject of the western lands, and when we are told that Great Britain made a peace which included 'the greatest possible concessions, without gaining any compensating goodwill thereby', the author is in direct conflict with the views of Washington. It is admitted that David Hartley's share in the making of the treaty had apparently consisted of some five months of entirely abortive discussion, followed by the signing of terms already agreed upon. Hartley did not sympathize with the views of his superiors nor they with him; and the result was confusion. The complete failure of his conciliatory commercial policy emphasized the futility of his whole mission. Of greater importance and interest were the views expressed in parliament and in letters to Franklin which Mr. Guttridge summarizes clearly and usefully. He has had access to various manuscript sources, of which perhaps some of the most interesting seem to be from the lighter manuscripts in Washington.

H. E. E.

The Organization of the British Army in the American Revolution, by Dr. E. E. Curtis (New Haven: Yale University Press; London: Milford, 1927), is an amplification of part of Fortescue's third volume, being written for the benefit of American students to warn them that that army was not 'a smooth-running fighting machine', as fancy depicts it in order to heighten the glory of Washington's 'ragged and half-starved' heroes. Details are given, in somewhat more generous measure, yet largely from the same sources that Fortescue used, as is fully acknowledged, of administration, recruiting, provisioning, and transport. But the first chapter, a general survey, is rather thin; not only not enough is said of the evolution of light infantry,¹ but also little credit is given to the British officers who, after all, did not do badly with their poor material and under depressing conditions, as Fortescue's description of the brilliant action at St. Lucia shows. Our final deduction from both authors is that substantially the blame for inefficiency and consequent defeat rests with our rotten eighteenth-century government rather than with our soldiers.

¹ Dr. Curtis must have amassed his very considerable material and worked it up into his text before Colonel Fuller's work appeared.

George III was quite unable to control the conditions, and the sins of the administration were oligarchical and not monarchical. One also reflects that, badly equipped as the British were, the final blow was delivered by the French allies of the revolutionaries four years after Saratoga, when sea-power had temporarily passed to them.

J. E. M.

Many are the studies of the fatal part played by the French *parlements* in the days before the Revolution, and now Baron Francis Delbeke, an advocate himself, has undertaken to examine the work of the inferior order of advocates. This is a new and welcome departure, and his treatise on *L'Action Politique et Sociale des Avocats au xviii^e Siècle* (Louvain: Uystpruyst, 1927) is an estimate of the gradual infection of the order of advocates by philosophic ideas, in contrast to the strong conservatism of the noble and superior order of magistrates. For this work Baron Delbeke has made thorough research in printed material and in the great collections of contemporary pamphlets in the Bibliothèque Nationale at Paris and the British Museum; and although it might be said that the matter of the book is somewhat unevenly arranged on account of the length of the introductory chapters, and that the prominence given to the great cases of Calas and Sciven tends to obscure the main object of the book, Baron Delbeke has done a scholarly piece of work which is a substantial addition to the knowledge of social and political conditions on the eve of the Revolution.

L. G. W. L.

It was pointed out many years ago by Ernst Troeltsch that democratic ideas gave rise to national feeling and that this in turn fostered imperialism, and Dr. Eva Hoffmann-Linke has examined this theory with special reference to the political writers of the eighteenth century in *Zwischen Nationalismus und Demokratie: Gestalten der französischen Vorrevolution* (Munich and Berlin: Oldenbourg, 1927). In this learned book, adorned with abundance of references to both contemporary and later writers, it is demonstrated how entirely blind the philosophers were to the possibility of this development, and indeed that they all, save Holbach who saw the danger, openly fostered national feeling and made no secret of their desire to see France first and foremost among the nations of the world. One may perhaps cavil at the inclusion of Sieyès and Condorcet in the work, placing them apparently on the same footing as Montesquieu, Rousseau, Voltaire, and the encyclopaedists, but the choice may be excused by the part they played in the Revolution itself. The essay on Rousseau is well worthy of remark; so also is that on Voltaire, in which full justice is done both to the commonplace nature of his political thought and the blatancy of his nationalism. The book is well worthy of the attention of serious students of the eighteenth century.

L. G. W. L.

M. Albert Mathiez; whose monographs on the French Revolution are well known, has for the last six years been engaged on a complete history, *La Révolution Française*, 3 vols. (Paris: Colin, 1921-7). The first volume outlines the events which led up to the States General and concludes with the fall of the monarchy on 10 August 1792; the second, the Gironde and the Mountain, ends with the fall of the former on 2 June 1793; the third, the

Terror, ends with the fall of Robespierre on 9 Thermidor. The history of the bourgeois republic will be dealt with in later volumes. The history is written for the educated public, and contains no references or foot-notes, though, as M. Mathiez hopes, it is evident to the specialist that it is founded on very wide study and original research. Herein lies its chief defect. M. Mathiez has devoted his studies mainly to the period of the Terror and the struggle which led up to it. In the first volume, therefore, he is content to take his facts from other experts, and the four years fall easily into the compass of a single volume in 16mo of some 220 pages. The second covers a shorter period; but the same scale of narrative is maintained. In the third, he cannot resist including some of his latest researches into the archives of the secret police. In order to include these details, and yet keep the volume to the required size, it has been necessary to print occasional paragraphs in very small type. The flow of the narrative is interrupted and the sense of due proportion is lost. It is all the more unfortunate because M. Mathiez has succeeded in showing the logical connexion of events more clearly than is usually possible to an historian dealing with so vast a subject on so small a scale. His principal contribution is to show that it was Robespierre's policy to continue the revolutionary dictatorship until the goods, not only of the church and the *émigrés*, but of all enemies of the democratic republic, had been expropriated. 'La Terreur prenait un caractère imprévu et grandiose. Il ne s'agissait plus de comprimer momentanément par la force un parti hostile. Il s'agissait de le déposséder à tout jamais, et d'élever à la vie sociale, au moyen de ses dépouilles, la classe des éternels déshérités.' M. Mathiez's volumes are very readable, and as his historical and political prejudices are well known they will supply their own corrective. M. A. P.

Christianity and the French Revolution, by A. Aulard, translated by Lady Frazer (London: Benn, 1927), which now appears as a volume of the 'Library of European Political Thought', edited by Professor Laski, was first published two years ago in the series of pamphlets on Christianity edited by P.-L. Couchoud, although no acknowledgement of this fact is made in the English edition. M. Aulard states that, when he previously published specialized studies on the subject, he was of opinion that Christianity was indestructibly rooted in the soul of the French, but that since then, having read more documents, he has been startled by the ease with which in 1794 they began to drop their customary worship; and he asks whether, if the success of the national defence had been delayed, the protracted Terror would not have dealt a death-blow to catholicism in particular and even to Christianity in general. He thinks that in 1789 faith was more living in the country than in the towns, but that the attachment of the peasants was more to their priests than to religion, and that the sight of the refractory priests scouted and persecuted paved the way for the sight of religion scouted and persecuted. He considers that the reason why there was no general rising in 1794, when extreme measures against catholicism, both papal and Gallican, were put into force, was that the French peasant was, and is, at heart indifferent to religion, and that, if the system had been carried out to the end, it was possible that religion might have been uprooted from his consciousness. But when M. Aulard comes to speak of the

legal separation of church and state after the Terror, he states that it had proved impossible to destroy Christianity by force; that when all religions were tolerated, catholicism immediately reappeared everywhere with a spontaneous revival; that on every side a cry went up for the restoration of the churches; and that two years after the separation almost all the parish churches had been reopened. The fact of this speedy and spontaneous revival of catholicism is inconsistent with the theory of moribund Christianity, but M. Aulard makes no attempt to reconcile them, nor does he appear to be aware of the inconsistency. The translation follows the French text closely, perhaps too closely for the reader to forget that it is a translation. For instance, *prêtres alors en service* appears as 'priests on actual service', although the service referred to is that of religion and not of arms.

M. A. P.

M. René Durand in *Le Département des Côtes-du-Nord sous le Consulat et l'Empire, 1800-1815*, 2 vols. (Paris: Alcan, 1926), has done for this department what has already been done for the Pas-de-Calais by MM. Chavanon and St. Yves, and for the Côte-d'Or by M. Viard. These 'regional' histories show how the work of Napoleon's local administrators made the more spectacular achievements of his armies possible, and since they also show the heavy price which the departments paid for those achievements, they are of great importance to the economic as well as to the political historian. The work of investigating the administrative history of the Côtes-du-Nord has been adequately and skilfully done, in spite of various technical difficulties with which M. Durand has had to wrestle, and the results have been attractively and clearly presented to the reader. It may be added that there is a very full and well-arranged index.

H. M. B.

Under the auspices of the Royal Colonial Institute a series of Imperial Studies Monographs is being produced, all the work of authors not over thirty years of age. The first volume, *Political Unrest in Upper Canada, 1815-1836*, by Miss Aileen Dunham (London: Longmans, 1927), forms an excellent beginning to the series. The subject is well chosen, and the treatment of it sound. Before the standard history of Canada can be written, much spade-work remains to be done, but future students will find their labours much lightened by this carefully documented and impartial study of a period of much interest. While the early history of Upper Canada is differentiated from that of other pioneer colonies by the close proximity of the United States and the large proportion of Americans amongst its population, an important point of general interest is to be found in the development of the theory of responsible government. At a time when the theory and its implications were not yet fully understood in England, they had been worked out by the Canadian reformers, and to them it was no strange doctrine that Durham put forward in his report. 'The result of their efforts was the discovery of a new political device which had lain undiscovered in the British Constitution, and which they were to have the honour of presenting to the new empire. For this reason, the political history of Upper Canada, peculiarly local though it proved itself, plays an indispensable part in the empire's story.' The other topics dis-

cussed, such as the alien problem and the clergy reserves, concern chiefly the student of Canadian history, but all such will be indebted to Miss Dunham.

R. C. W.

Professor H. W. Carless Davis entitled his Raleigh Lecture *The Great Game in Asia, 1800-1844* (London: Milford, 1927). His subject was peculiarly appropriate to the great man in whose honour the lecture was established. The East India Company's officers who in the early nineteenth century ranged Central Asia, noting trade-routes and strategic positions, measuring distances and taking altitudes, passing through daily dangers and usually coming to a sudden violent end, had a clear kinship with the Elizabethan adventurers. To them the tsar was the great enemy, as Philip had been to their predecessors; and the rugged table-land of Central Asia took the place of the Spanish Main. To-day they are almost forgotten. To most of us the names of Burnes and Pottinger, of Christie and Wood and Conolly, mean little or nothing. Their achievements were overclouded by the disasters of the Afghan war and condemned with the policy which inspired them but for which they were in no way responsible. We are therefore exceedingly glad to find Mr. Davis reviving their memories and recalling some of their most notable exploits. Indeed his lecture forms an admirable introduction to a subject of absorbing interest.

H. D.

Albin Cullberg's *La Politique du Roi Oscar I pendant la guerre de Crimée* (Stockholm: the author's firm, tom. i, 1912; tom. ii, 1926), a slender volume of some 200 pages, should be of use to all students of the years 1853-6. It comprises chapters of varying merit and swarms with uncorrected blunders, so that when the reader reaches tome ii he is hardly surprised to find Todleben in the Dodleben of p. 8 and the Godleben of p. 13. But it draws on contemporary Scandinavian newspapers, manuscript notes, and unpublished correspondence, and renders accessible monographs and state papers of real value. A clear account of the Finmark dispute with Russia incorporates Dr. Paul Knaplund's recent research, and the autocratic system of King Oscar and his Beauharnais queen is vividly portrayed. The gist of the whole narrative is that, owing to unfounded suspicions of Russian designs in Finmark, to a miscalculation of Finnish sentiment, and to a false interpretation of Swedish public opinion, the dual monarchy of Sweden-Norway was committed to the treaty of November 1855 with the Allies. This treaty, *défensif et offensant* as Metternich opined, terrified the pseudo-Chauvinistic press of Stockholm, broke the profitable Romanov-Bernadotte *entente* established in 1812, and by reaction shattered the king, whose dreams of war and conquest were dissipated by the Peace of Paris. The author pays due tribute to the loyalty and honesty of Clarendon, but perhaps exaggerates his knowledge. Our system of changing foreign secretaries very often and working them absurdly hard did in fact result in gaps in the information of some of them, and this was the case with Clarendon over the Finmark question.

W. F. R.

Much has been written in various languages about Cavour: Matter, Friedensburg, and Whyte have drawn their pictures of the greatest Italian

statesman.¹ M. Maurice Paléologue, formerly French ambassador at the Russian court, has added a brilliant sketch, and his *Cavour* has been translated into English by Ian F. D. Morrow and Muriel M. Morrow (London : Benn, 1927). As regards the translation, which reads fluently, a strange habit is observable, that of presenting Italian proper names in their French forms ; e.g. 'Doire', 'Vercell', 'Tessin', and even 'Properce'. This biography is a character-sketch of two individuals, Cavour and Napoleon III, rather than a regular history ; it aims at effect rather than the discovery of new facts ; but it shows that knowledge of how diplomacy is conducted and international history really made which might be expected from a trained diplomatist who is also a man of letters. Morally, both the Italian statesman and the French emperor cut a poor figure ; the latter sought to dupe the former, but was duped himself. The most interesting chapter is that describing the interview at Plombières ; the most despicable part of the bargain is the sacrifice of the girl-princess to 'Plon-plon'. Vittorio Emanuele II is drawn to the life ; Fleury's diary has supplied first-hand evidence of Napoleon's incapacity as a soldier. Those acquainted with the real character of Italo-French relations from the Aigues-Mortes riots or even Mentana to our day will re-echo the opinion on the war of 1859, 'so many brave men have laid down their lives for a people who do not love them', while the late Luigi Luzzatti told the reviewer that he had the courage to repeat to Kaiser Wilhelm II the epigram of Cavour, 'the worst chamber is better than the best ante-chamber', an epigram spoiled in the English version here given (p. 109). The author commits the usual error of French historians in ascribing to British statesmen crafty motives, as when he explains their sympathy with Italian independence by their desire 'to alienate from Napoleon III the sympathies of a people he had been ingenuous enough to liberate', and thus to find a 'natural ally against French dominion'. His psychology is better when he writes that in Garibaldi 'the hero and the actor were combined', for that great patriot understood his countrymen. His conclusion is that Cavour's immediate successors 'prospered' only so far as they were inspired by his 'programme and methods' ; even the Italo-Prussian alliance was his idea. But he avoids the *lues Boswelliana* of pretending that his hero was 'the sole creator of the *Risorgimento*' : his was, however, 'the guiding hand'. Happy in the opportunity of his death, he avoided 'the supreme moral test of statesmen', the loss of power.

W. M.

In *Mazzini e Bakounine* (Torino : Bocca, 1927) Sig. Nello Rosselli has described '12 years of the working-class movement in Italy' from 1860 to 1872, the date of Mazzini's death. He gives a sketch of the condition of the peasants and workmen in 1861, when barely 22 per cent. of the population could read and write and wages were appallingly low, traces the beginnings of working-class organization in Piedmont, and tells how Marx opposed Mazzini and used Bakounine to undermine his influence in Italy. He pays a tribute to the services rendered by Luzzatti, who died only last year, to the cause of co-operation, mentions the sanguinary revolt against the grist-tax in 1869, and relates 'the repercussions' of the Paris Commune, by opposition to which Mazzini alienated the young and ardent section of

¹ *Ante*, xxvii. 173 ; xxxviii. 473 xl. 451.

his Italian supporters, whereas his Russian rival profited thereby, and Garibaldi became more than ever estranged from him. Mazzini regarded materialism as the enemy and denounced the International; Bakounine, 'the protector of the internationalist movement in Italy', retorted with criticisms of the 'holy veteran's' religious idealism and cult of authority, to the stupefaction of youthful democrats who could not imagine 'Mazzini condemning a revolution': *de seditione querentem*. The praise of the conservative press made Mazzini's position more difficult: the fact was that, like so many popular leaders, he had stood still, while his followers and other younger popular leaders had advanced. He was, as an opponent wrote, 'out of date'. The final chapter narrates his 'last struggles against the International'. He summoned in 1871 a workmen's congress in Rome, but the result was a delusion: a workman wrote to a republican newspaper that 'there is need of flour, not hypotheses', and a dialectical duel with Bakounine preceded Mazzini's death. The author quotes his cry of disillusionment: 'Better the return of the Austrians than those false doctrines which divide the Italians themselves into oppressed and oppressors.' He was broken by his 'struggle against the International'; he bequeathed the quarrel to his followers: Fratti fought a duel with one internationalist, and another was assassinated. Bakounine 'reaped the fruits of his apostolate' when the first Italian internationalist congress met at Rimini in 1872. The author sums up the results of these twelve years as the failure of Mazzini to interest the middle classes in the working-class question, the growth of materialism, and the birth of a class war. He truly claims objectivity for his treatment, but he has chosen a strange moment for such a study.

W. M.

Count Julius Andr ssy's *Bismarck, Andr ssy, and their Successors* (London: Fisher Unwin, 1927) is a rather disappointing book. The veteran statesman was inspired by the publication of *Die Grosse Politik der Europ ischen Kabinette* to survey the relations of the powers from 1872 to 1914, and the present instalment ends with the treaty of Bj rk  in 1905. The main interest of a work which covers such well-trodden ground lies in the personal recollections and judgements of its author. Of the former he is unduly sparing, and we catch only tantalizing glimpses of Bismarck and Francis Joseph, the Empress Frederick and the Kaiser, B low, and other celebrities. Of the latter, on the other hand, there is no stint, and the title of the book indicates its author's point of view. Bismarck and Andr ssy dominate the first half of the volume, while the second half laments the blunders of their successors. His admiration for Bismarck is only tempered by criticism of the annexation of Lorraine, and he frankly confesses that it was not until nearly the close of the world-war that he realized the magnitude of that error. Of his father he writes with pride and devotion, and he adopts the elder Andr ssy's sharp criticisms of Kalnoky for his handling of the Bulgarian crisis of 1885-8. The Austrian foreign minister, he argues, should have stood up to Russia with greater courage. No less an offence was his concession to Italy of a right to compensation if the *status quo* in the Balkans were modified. 'The Triple Alliance, as concluded, was the loss of another part of the precious heritage bequeathed by Andr ssy.' So meanly indeed does he think of his father's

successor that he pronounces Goluchowski his superior. His picture of Kalnoky is less objective and less convincing than that painted by Friedjung. However blundering were the successors of Andrassy, the author argues that the policy of Austria, alone of the Great Powers, was consistently pacific; that she had no desire for Salonika; and that she wanted nothing but the *status quo*. Of German statesmanship since Bismarck he is no less critical than of the later performances of the Ballplatz, though he pays a tribute to the lofty intentions of the Kaiser. The obvious interest of Germany since the conclusion of the Franco-Russian alliance, he declares with emphasis, was an alliance with England, and Bülow is vigorously castigated for clumsily estranging a power whose friendship was worth more to Berlin than any number of battleships. Yet, though German policy was thus tragically short-sighted, it was no more and no less immoral or egoistic than that of the other powers, and it earned its unenviable notoriety largely because it took least pains to hide its designs behind a façade of high-sounding phrases. This was indeed a fault; but cynical realists receive a gentler reproof in these pages than professing idealists of the type of Gladstone and Wilson, whose words, we are told, were mocked by their deeds.

G. P. G.

In his *Recent Revelations of European Diplomacy* (Longmans: London, 1927) Dr. G. P. Gooch has produced a much-enlarged and altered edition of a very valuable paper, bearing the same title, which appeared in the *Journal of the British (now Royal) Institute of International Affairs* for January 1923. The new edition is divided into chapters, one chapter being allotted to each of the principal belligerents, one to the Near East, and one to Belgium, Italy, and Spain. The chapters on Russia and the Near East are especially welcome for their notices of controversial literature which is not readily obtainable in this country. In the other chapters it is difficult to find the new material published in or after 1922, because Dr. Gooch is prone to omit dates of publication, not to mention other bibliographical data which are often helpful to the investigator. A conspicuous instance of this fault is his description of the *Livre Noir* (p. 98), which was in fact edited by René Marchand and published in 1922 by the Librairie du Travail at Paris. Three critical studies to which Dr. Gooch gives high praise are Erich Brandenburg's *Von Bismarck zum Weltkrieg* (1924), Pierre Renouvin's *Les Origines Immédiates de la Guerre* (1925), and Professor Příbram's *Austrian Foreign Policy, 1908-1918* (1923). This book is already so widely in demand that a third impression has appeared as we go to press. It contains a new chapter on 'the revelations of 1927' which reviews *inter alia* the memoirs of Prince Max of Baden, the Archduke Joseph, Sazonoff, Kerensky.

H. W. C. D.

On the tragic fate and laboured recovery of modern Austria the English reader is now fortunate in having to his hand a short survey, *The Social Revolution in Austria*, by Mr. C. A. Macartney (Cambridge: University Press, 1926). It is most attractively written, is pleasantly flavoured with acid humour, and has a bibliography. Though the author would naturally disclaim an attempt to describe all the political changes of the last six years, the very nature of the catastrophe and of its sequel yet makes

his account of the republic in its social evolution the more complete at a time when the interest of its internal history, for itself and others, so much outweighs that of its foreign affairs. His introductory chapters ('The Dynasty', 'The People') succeed in bringing this evolution *en rapport* with the earlier rule of Francis Joseph, whose traditional absolutism is well brought out, as is the supra-national basis of the Habsburg monarchy; though it may be doubted whether the sheer ambition attributed to his first decade (pp. 14-15) was so much to blame for Austria's rebuffs as political clumsiness. In the main body of Mr. Macartney's book especial attention may be called to his sympathetic account of the peasantry and the difficulties of their relations with the socialized state, his estimate of the gains, real and apparent, of the advanced legislation of the republic and of the city state of Vienna, and his judgement on the strength and limitations of the social-democratic party. Mr. Macartney's estimate of Austria's future is wisely cautious and is tinged with gloom, for a complete Zollverein of all the Habsburg lands—however much to be desired economically by the core of the old monarchy—is far away. A few comments suggest themselves. The political dissidence between Vienna and the rest of Austria recurs more than once in his pages, but it would hardly have exceeded the terms of reference set himself to discuss at some length what danger may be discerned for the future in the looseness, legal or practical, of the federal bond (exemplified in the slowness of communication with the west: from Vienna to Bregenz is a day's journey and more by express) and the unhappy disparity between certain members of the Bund, such as between the capital and remote Vorarlberg, the 'Ländchen' of a recent social-democratic polemic. Mr. Macartney is curiously modest with regard to the utilization of Austria's magnificent water-power, estimating it solely (as it seems) from the point of view of reduced imports of domestic and industrial coal. This, of course, is its primary application. But the future bids fair to hold even better prospects. Austria is a natural centre for the supply of energy to much of Germany and the Danubian plain.

C. S. B. B.

The herring meets the economic historian at a very early stage in his studies, and (especially if he is also an angler) he must occasionally have been intrigued by its celebrity. Dr. J. T. Jenkins's book, *The Herring and the Herring Fisheries* (London: King, 1927), will answer a good many of his questions. It contains an account of the natural history of the herring, of its economic importance, and of the historical development of the principal herring fisheries, from the dark ages to the twentieth century. A description of its distribution and habits is necessary in order to understand how it was that the herring, like pepper, roused national passions and swam across the stage of international politics. But the chapters which are likely to be found most interesting by the historian are those in which the author describes the rise and decline of the different great centres of the herring fishing industry, its organization, and the policy pursued by governments towards it. The subject is one of considerable importance. For the control of the herring fishery at the entrance to the Baltic was one of the economic foundations of the trade of the Hanseatic League, and readers of the economic pamphlets of the seventeenth century will not need to be

reminded of the importance ascribed to the herring in the economic rivalry between England and Holland, while the system of bounties established in 1728 and much extended in 1750 were an interesting and characteristic example of eighteenth-century mercantilism. The outlines of the story are familiar, but Dr. Jenkins adds new details, and brings together much information that is not easily accessible. Altogether, he has written a useful and interesting book.

R. H. T.

Professor W. W. Jennings in *A History of Economic Progress in the United States* (London: Harrap, 1925) has followed the conventional arrangement of dividing the field of American economic history chronologically into five periods: the colonial period, 1492–1775; winning of political and commercial independence, 1776–1815; expansion, 1816–60; war and recovery, 1861–1900; and the twentieth century. Under each of these periods he considers population and labour, agriculture, manufactures, commerce, finance, tariff policy, banking and currency. In the last section he adds two chapters on the combination movement and conservation. His task has been largely that of collecting and reclassifying innumerable facts under these heads. Duplication has not been entirely avoided. The classifications have not been followed rigorously, but inconsistency on this score has been offset by a competent index. It is inevitable in such a vast field that errors in statements of fact should have been made, that apparently irrelevant facts should have been included, and that comparatively important facts should have been omitted. The author has leaned heavily on other works in economic history, and it is unfortunate that he has not given more ample references. The bibliography is inadequate. The interpretations in most cases follow conventional lines, and in cases in which he advances his own interpretation the results are not particularly happy. The material is presented uncritically, and one is amazed, for example, to find it suggested that the Black Death (1348) ‘swept away’ 25,000,000 people (p. 23).

H. A. I.

In a small volume with 165 pages of text M. Henri Sée has summarized the main features of *La Vie Économique de la France sous la Monarchie Censitaire, 1815–1848* (Paris: Alcan, 1927). His scheme, which covers the progress of agriculture, industrial evolution, the state of the working-classes, the labour movement, and the progress of commerce and affairs, does not leave room for much generalization or discussion and runs some risk of producing a mere enumeration of particulars, especially in the final chapter. It is not necessary to say that he is abreast of the monograph work and is conscious, as all students of nineteenth-century economic history must be, of the great gaps in monograph treatment which make the work of those who attempt synthesis so difficult, and make their critics ask whether the time for synthesis has arrived. Some technical points might be discussed. Was it generally true (p. 73) that spinning machinery came more quickly into the woollen than into the worsted (combed wool) industry? If so, it is a reversal of the English story. On p. 83 M. Sée repeats, after Levasseur, a statement about the origins of ready-made clothing shops which could be corrected from Franklin, *Les magasins de nouveautés*, which he does not use. There are other minor points. Specially interesting

for students of industrial evolution are the figures from the census of 1851 which show that 124,000 *grands entrepreneurs* each employed on an average ten work-people, and that the average employment figure of 1,672,000 masters (including the 124,000) was below 2.5. J. H. C.

In *Les Expériences Monétaires Contemporaines* (Paris: Colin, 1926) M. George-Edgar Bonnet reviews the currency history of the chief countries during and since the late war. The introduction supplies the reader with a clear statement of classical monetary theory, and the second part of the book is devoted to the lessons which may be drawn from what has happened. M. Bonnet urges that it is a mistake to follow orthodox doctrine blindly or to embrace new views without careful examination. His main contention is that recent experience, if it is scientifically studied, will serve as a basis for a greater approximation to the truth. To begin with the assumption that there are immutable laws and then to force the facts to fit them seems to him to abandon the possibility of advancing our knowledge. His own attitude may be gathered from the fact that he considers Great Britain's return to the gold standard has been justified and that the 'politique courageuse de l'Angleterre' deserves praise. But he finds all parties in France incapable of even understanding the elements of the problem and consequently unable to derive any profit from the lessons of experience. As to America, she has not clearly envisaged the consequences of a great creditor nation maintaining a strict protective system. J. F. R.

In his *History of Contempt of Court* (Oxford: Clarendon Press, 1927) Sir John C. Fox has accomplished a thorough piece of very competent work. His main theme is an attack on established doctrines in two points. He contends that in early times criminal contempt committed by a stranger out of court was not dealt with summarily, but was tried, like any other trespass, in the common law courts with a jury, unless the contempt were confessed; and that such contempt was formerly punished by those courts with imprisonment, which the offender could avoid upon making fine, and never by a pecuniary penalty in addition to imprisonment. Sir John, after an acute examination of all the evidence, has set up a case on both these points which appears to be unanswerable. He frankly acknowledges his indebtedness to a manuscript of Solly-Flood on the history of the writ of habeas corpus, but he is equally frank in his criticism of some of Solly-Flood's conclusions. We have tested many of the learned author's references to the year books and the abridgements and it is a real (and unfortunately a rare) pleasure to find that he handles them with skill, accuracy, and an appreciation of relative values. We have also investigated the Parliament Rolls and Statutes of the Realm and have found little to glean where he has reaped. His analysis of Almon's case is one more proof of the facility with which undue credit has been given to historical analyses made by judges in many branches of our law. Here, an undelivered judgement of Wilmot C.J. was accepted much too tamely for more than a generation. No one realizes more strongly than the reviewer the high pressure at which judges work, and no one appreciates more the admirable way in which that work is in general done. But where the issue has depended on historical research, it has occasionally been at the mercy of something very like superficiality.

The authority attached to Wilmot C.J.'s view is all the more regrettable because procedure for contempt of court must, in order to be just, tread a striding-edge between the preservation of judicial dignity and the liberty of the subject. Sir John Fox has emphasized this with two felicitous quotations on his title-page. His book achieves the highest aim of legal history, the foundation of sane law reform.

P. H. W.

In the *Campaigns in Palestine from Alexander the Great*, being the Schweich Lectures of 1922 (London: Milford, for the British Academy, 1927), the late Dr. Israel Abrahams gave a graphic sketch of the Holy Land as important out of all proportion to its size, not only as a buffer state between ancient Egypt and Mesopotamia, but also between the Ptolemies and Seleucids and between Eastern and Western religions. He made it rich in suggestions rather than in details, for there were but three lectures. He began by emphasizing how Alexander's line of invasion was the same road by which Paul spread his doctrines, and then concentrated on the story of Judas Maccabeus, his central hero and the saviour of Hebraism who made Paul's preaching possible. He did not fail to show how Titus, Richard, and Allenby, each in turn, advanced over the same ground where Judas won his first triumphs, namely, the road from Jaffa by way of the Bethhorons to the north-west of Jerusalem; but also how Allenby had another force coming from the south by Hebron near where Judas had a later triumph over Lysias. We have to complain that the map provided is quite inadequate: several places mentioned in the text are not shown, notably Paneion and Raphia, Hittin and Arsuf; the Bethhorons seem to lie on the plain, though every army from Joshua's to Allenby's—whose words are quoted in the text, 'The narrow passes from the plain to the plateau . . . have been fatal to many invading armies'—has there been engaged in hill-fighting. This is a stock grievance, and every reviewer has the right to insist that publishers must show the heights, however low relatively, which condition history, not only the great heights such as Carmel and Hermon, especially as Dr. Abrahams pointed out how the Syrian phalanx could not manœuvre on the hills. In this connexion he should also have pointed out that the Syrian Macedonians had greatly deteriorated and were poor soldiers in contrast with the Macedonians of Europe; but he insisted clearly enough on the important part played in history by malaria. Many of his other suggestions are interesting, especially the derivation of 'horn' or 'little horn', as used by Daniel to indicate kings, from Asiatic-Macedonian coins.

J. E. M.

The last battle of Panipat in 1761 was so important in checking the progress of Maratha expansion, at the very moment when the English East India Company was emerging into political greatness, that original documents concerning it are of special interest. Mr. H. G. Rawlinson has recently reprinted two, under the title *An Account of the last Battle of Panipat* (Bombay: Milford, 1926). One of them was written by Kasi Rai, a Hindu clerk in the service of the nawab of Oudh, and printed by Colonel Browne in the *Asiatic Researches*; and the other is an extract from an autobiographical fragment by the great Maratha statesman, Nana Farnavis, which was translated by Colonel Briggs for the second volume of

the *Transactions* of the Royal Asiatic Society. Both well deserved reprinting, as the records of eye-witnesses embodying vivid details of a tragic event ; and we are glad to see them thus made accessible. H. D.

With laudable industry Mr. Spenser Wilkinson has elucidated the Alpine and Piedmontese campaigns of 1742–8 in his work, *The Defence of Piedmont* (Oxford : Clarendon Press, 1927). After careful studies of the ground he has been able to clear up disputed points of the mountain and coastal warfare, and his work is illustrated by excellent maps. Especially interesting are Maillebois's arrangements for supply, detailed in Appendix B, and also his plans (pp. 207 *seq.*) for eluding the pressure of British sea-power at all possible places of his line of advance along the Italian Riviera. Perhaps more emphasis should be laid on the influence exerted by the British fleet, after its return to the Mediterranean in 1746, in hindering that marshal's plan of invading Italy ; this was always precarious if a hostile fleet threatened his communications with Nice, and placed him in an awkward situation at Mentone during the enforced retreat. Whether these campaigns much influenced that of Napoleon in 1796 is open to question ; but he noted their defects and avoided them wherever possible, e. g. by exacting from the court of Turin the right to garrison Cuneo (Coni), thus gaining the Col di Tenda route and escaping the pressure of sea-power on his communications by the Riviera road. In the final estimate (p. 328) of the causes which conduced to the ending of that wearisome war the British successes of 1747 in the Bay of Biscay and consequent ruin of French commerce and finances should receive notice ; for they counterbalanced the effects of Saxe's victories in the Netherlands and led to a virtual stalemate. J. H. R.

Vol. iii, Part i, of *Select British Documents of the Canadian War of 1812*, edited by Mr. W. Wood (Toronto : Champlain Society, 1926), contains transcripts from archives, without introduction or notes or map, concerning the year 1814. The military operations are in two sections : the defence of the Niagara peninsula, and the counter-attacks upon the coast of Maine and Lake Champlain. This year practically all the troops engaged were regulars, there is hardly any mention of Indians, and very few Canadian militiamen served except the picked Glengarry corps ; but signs are not lacking that the regulars were war-worn, having been brought over straight from France, and there are some complaints of bad behaviour and even desertion. The Americans are accused of wanton damage, yet not to the same extent as previously. The peninsula was well defended, the action at Lundy's Lane being decisive, and although the attack on the American fortified landing-place at Fort Erie failed—General Drummond blamed for this de Watteville's foreign corps—the invaders withdrew in the autumn. On the other side, we have an account of the Plattsburg disaster, Prevost's retreat, which an American dispatch characterizes as precipitate and involving the loss of much material, Sir James Yeo's expression of disgust at the premature hurrying of the naval force into action without time given for preparation and without the co-operation of the army, and much of the evidence and the finding of the court martial which sat next year at Portsmouth and upheld Yeo's view. Two interesting letters are printed

which a certain Alicia Cockburn wrote home full of bitter remarks in abuse of Prevost and his staff, the sort of thing that illustrates local excitement and that one need not take too seriously : there is no note to explain why such private letters are among the archives. J. E. M.

Most of the lectures contained in *The Study of War* (London : Longmans, 1927), which Major-General Sir George Aston has edited, were delivered in the winter of 1925-6 for the Military Education Committee of the University of London. The course was intended for civilian, not for professional audiences, and aimed at putting before its hearers the ideas now current in the fighting services about the functions which those services may be expected to perform in the defence of the Empire. Among the lectures Vice-Admiral Sir H. W. Richmond's two on 'Sea Warfare' stand by themselves, not only in their matter but in their manner. They contain an enormous amount of lucidly expressed and admirably compressed reasoning which no student of naval history can afford to neglect. His use of well-chosen and really apposite historical examples to support and illustrate his arguments is a model : whether he is discussing the difficulties of countering a naval defensive by naval action (pp. 66-7), explaining the relations of the different types of war-ships, and incidentally providing an answer to the question 'What is the use of the capital ship?' (cf. pp. 54, 71, and 105 ff.), or dealing with the defence of trade (pp. 86 ff.) or the possibility of pitting fleets against forts, he is clear in statement and cogent in argument. None of the other lectures approach his in grasp of principle or in expression, but the value of the volume is enhanced by the inclusion in it of two other pieces. In the shorter of these, 'What should we teach about War?' Mr. G. F. Bridge puts forward some sane and judicious suggestions of great interest. In the other, Sir Charles Oman makes a vigorous and effective 'Defence of Military History' against the so-called 'evolutionary' school of historians whose views reach their *reductio ad absurdum* in the dictum that 'if Bonaparte had not been Bonaparte, Moreau would have been'. Sir Charles Oman, without misrepresenting or distorting the views he is combating, is able by a wealth of examples to show how misleading they are, amounting virtually to a denial of the importance and influence of personality. In military and naval history least of all can this factor be eliminated. One might as well try to eliminate from the study of war the influence of the factor which Clausewitz has described as friction, the thousand and one unforeseen and unforeseeable chances which, as he says, 'distinguish real war from war on paper' and have frequently determined the fate of battles or campaigns, such as the flooding of the river Scrivia which brought Desaix back to Marengo to save the battle Napoleon had lost. Generals and admirals are limited and conditioned by the training, equipment, and administration of the forces at their disposal, but it is the exceptional man who triumphs over his circumstances and produces exceptional results. C. T. A.

Under the title of *The Indecisiveness of Modern War and other Essays* (London : Bell, 1927) Professor J. Holland Rose has collected together a number of his recent essays and lectures. They provide a varied bill of fare, ranging from 'Plans of Invasion of the British Isles', 'The Influence of

Sea-power on Indian History (1746-1802)', and 'The British Title to Malta' to 'The State of Nelson's Fleet before Trafalgar', this last a short but interesting account of the attention paid by Nelson to keeping his ships' crews in good physical condition. These essays contain many suggestive and interesting points, but along with them a good many rather too positive pronouncements on controversial points to command general approval. One feels, however, that adverse criticism should be tempered by the recollection that within the limits available Dr. Holland Rose has hardly space to deal fully with some of the big topics he tackles; with more room he might have been able to develop his arguments more fully or produce more evidence in support of them. In the article on 'Plans of Invasion', for example, he omits the 1692 campaign, a much more definite attempt at invasion than 1690, when no army had been provided to profit by the success of the French fleet at Beachy Head; he also overlooks the military aspect of the question, and does not bring out the connexion between the strength of the military opposition to be overcome after a successful landing and the chances of effecting a surprise. The bigger the force needed the harder it is for it to evade or to escape notice during the preparation period. Perhaps the most useful and valuable thing in the book is the essay dealing with Duckworth's failure at Constantinople in 1807, the lessons of which were so lamentably overlooked in 1915. It is interesting that both Duckworth and his second in command, Louis, were emphatic on 'the impossibility of reducing Constantinople by naval force alone' (p. 176), but it is curious that Dr. Holland Rose should not have mentioned that the worst feature of the situation was that plenty of British troops were at the time available in Sicily, but were wasted shortly afterwards on the futile and ill-advised operations of 1807 against Rosetta and Alexandria. On the highly contentious articles from which the volume is named, one on naval war, one on land war, it may suffice to record the verdict 'not proven'. In the former Dr. Holland Rose himself admits (p. 15) that the evidence for Jutland is incomplete and then proceeds to base some quite technical arguments upon it, while in the second he is clearly arguing on inadequate evidence and many of his data are inaccurate. Now that the British Official History has reached 1915, such statements as that the gas attack of 22 April 1915 took place 'on the slopes of Hill 60' (p. 40) and that the advance at Neuve Chapelle 'failed before the German counter-attack' (p. 39) can be seen to need correction.

C. T. A.

In the Austro-Hungarian series of the Carnegie Foundation's *Economic and Social History of the World War* two further issues (Vienna: Hölder-Pichler-Tempsky A.-G., 1926) have appeared, Dr. Hans Loewenfeld-Russ's *Die Regelung der Volksernährung im Kriege* and *Volksgesundheit im Krieg*, the latter a work in two volumes consisting of short essays by specialists and edited by Professor Clemens Pirquet. Both deal with matters somewhat outside the normal scope of this review, though Dr. Loewenfeld-Russ's introductory chapters on the economic activity, before the war, of the old monarchy, its productivity in food and drink, and the interaction of Austria and Hungary form a handy summary for reference. Dr. Pirquet's book is perhaps even remoter from our theme,

yet the special studies of the spread of certain diseases peculiarly encouraged by a state of war (among them syphilis, typhoid, and dysentery) are of more than local or temporary application. C. S. B. B.

Professor R. E. Zachrisson continues his studies of various types of English place-names. In *Namn och Bygd*, xiv. 51–64, he deals with river-names containing the Germanic root *geb*, suggesting ‘giving, fertility’, which he finds in various river-names which lie behind *Ivel*, *Yeovil*, *Northill*, *Yelden*, *Givendale*, &c. In *English Place-names and River-names containing the Primitive Germanic Roots Vis, Vask* (Uppsala Universitets Årsskrift, 1926) he tries to solve the problem of the origin of the much-discussed *Ouse*, the *Wiske*, the common dialect word *wish*, and the many English place-names beginning with *Wash-* and ending with *-was* or *-wash*. In *Zeitschrift für Ortsnamenforschung*, ii. 134–47, he deals with various groups of river-names, including the well-known *Ree*, *Ray*, *Rye*-type, and discusses the element *sciete*, ‘nook, corner’, which he finds in many names of places, including the very common *Cockshoot* or *Cockshot* scattered up and down the country-side. All the various discussions include much evidence of a comparative character made available by the work of the English Place-name Survey and its helpers, either directly or indirectly. A. M.

The Place-Names of the County of Surrey, written by David Hopwood for the *Annals of the University of Stellenbosch*, vol. iv (Capetown: Nationale Pers, 1926), is a book of varying merit. The author appears to have a fairly sound knowledge of Old English grammar and phonetic laws, and he frequently cites parallel examples from the Saxon charters and from other counties. On the other hand, his bibliography is by no means complete, and in consequence he has omitted a considerable number of interesting names for which early forms could have been found had all the printed material now available for the county been consulted. In a few other cases his etymologies, based on comparatively late records, are disproved by existing forms in documents of a much earlier date. Wrong identifications are not numerous, for the writer has made good use of that valuable store of information, the *Victoria County History*, but one or two may be noted: *Ætheredeshyd*, which is the later Queenhithe, London, is assigned to Rotherhithe, while *Hunewaldesham*, cited under Windlesham, is the earliest form of the lost manor of Hundulsham in Weybridge. Occasionally Mr. Hopwood’s etymologies differ from those suggested by other scholars. Thus in Croydon he sees the Welsh *crug*, ‘barrow’, rather than the Old English *croh*, ‘saffron’, and Gatton he construes ‘gaps’ town’ instead of ‘goat farm’. Guildford he derives from an Old English **Gylðan ford*, ‘Gylða’s ford’, though he gives the earliest spelling ‘Gyldeforda’ from Alfred’s Will, while for Seale he prefers the Old English *sealh*, ‘willow’, to *sele*, ‘house’. The explanation of the county name *Suthrige* as ‘south ridge’ is hardly admissible phonetically; it represents more probably a tribal name, as has been suggested by McClure and others. Mr. Hopwood might have mentioned the theory that the Suthrige were originally an offshoot of the East Saxons, who crossed the Thames at Southwark and later spread slowly south. Southwark, as his earliest form shows, means ‘the fort of the people of Surrey’. For the majority of names dealt with, however, his

conclusions are probably correct, but his interpretations of some of the more difficult names, e. g. Leatherhead, are not very convincing. He is inclined to overrate the Celtic element in the county, many of the names which he traces to a British source being explicable from Old English roots. The material is arranged topographically, the names being grouped under the old hundreds, but it is a pity that Mr. Hopwood did not distinguish the parish names by heavy type or some other method. J. E. G.

Monsieur A. Vincent in his *Les Noms de Lieux de la Belgique* (Bruxelles : Librairie Générale, 1927) summarizes a great deal of information with regard to a large number of Belgian place-names, giving many early forms and etymological explanations. The first part of the book deals with the various types of structure found in place-names in Belgium, and with the various phonological changes which have affected their development ; the next considers the share taken by Celtic, Latin, and German-speaking peoples in the fashioning of the place-nomenclature ; while the last section deals with the various topographical, social, and religious ideas which have given rise to place-names. The place-name material for Belgium, like that for France, is often of a very ancient character, preserved in very early cartularies, and at times rouses the envy of the English place-name student, favourably though he may be situated in this respect as compared with, let us say, the student of Scandinavian place-names. Occasionally the names quoted are useful as having a bearing on difficult English place-names. *Otrange*, earlier *Wotheringes*, furnishes what may be a useful parallel for the difficult Kentish *Wateringbury*, earlier *Wotringeberia*, *Wofringa byras* of Birch, no. 1132. The development of *Addingham* to *Adeghem* provides an interesting parallel to the curious development of such names as English *Kenningham* to a pronunciation such as *kenigem*. *Hove* is the same as the familiar, but as a place-name very rare, *Hove* in Sussex, from the Germanic *hof*, 'court, dwelling'. As suggested recently by Dr. Schram, the Belgian *Mespelaere* (*Mespilarios* in 899), from the Latin *mespilarius*, 'medlar-tree', may furnish the clue to the difficult English *Misperton*, if there was in Old English a loan-word from the same Latin original, of which we have otherwise no trace. It is clear that here we have a rich quarry, as yet only very imperfectly worked. A. M.

Mr. J. S. Furley has edited separately the Anglo-French custumal known as *The Ancient Usages of the City of Winchester* (Oxford : Clarendon Press, 1927), which was appended to his 'Winchester Records' noticed in this Review,¹ with slight rectifications of text and notes, a translation, and a good introduction and glossary, the last prepared by Professor Patchett of Southampton. As one of the oldest and most interesting of its class, the Winchester custumal fully deserved separate treatment. The translation grapples successfully with the difficulties of the text; and the only criticism to which it seems open is that *iurez*; 'sworn', which is stated of a number of bodies and officers, is in every case translated 'jurats'. It has been customary and is convenient to reserve this Anglicized form of the Latin *iurati* for the sworn bodies of twelve or twenty-four (at Winchester the latter) in whom the government of most medieval English

¹ *Ante*, xxxviii. 592 f.

boroughs was mainly vested. The manuscript of the custumal is thought to be of a date about 1275. It no doubt incorporates much older rules, but the editor rather exaggerates its want of logical arrangement, and the inference from certain omissions in a wretched fifteenth-century translation, that an earlier Anglo-French version must have existed, does not seem altogether safe. The common seal of Winchester is so little known that the photograph of that attached to the custumal is a valuable feature of the edition, though it is sadly broken; and our eyes at all events cannot see a single letter of the legend: SIGILL: CIVIVM WINTONIENSIVM, which is said to surround the figure of the city gate on the obverse of the seal. J. T.

The Book of Examinations, 1601-2, edited by R. C. Anderson (Southampton: Cox & Sharland for the Southampton Record Society, 1926), contains material corresponding to the *Examinations and Depositions* published by the society in 1914. Among the topics dealt with in the valuable introduction are the many activities of Richard Cornelliuss, mayor of Southampton in 1601-2, the last years of the Spanish war, and the piratical voyages of Sir Anthony and Sir Thomas Sherley. The appendix contains a list of vessels belonging to Southampton in the years 1570 to 1603, compiled from the Port Books and other sources: among them is the *John Evangelist* disguised in two Port Books as *John of Angelest*. Piracy by Englishmen, Dunkirkers, and Spaniards is the subject of several depositions. A flagrant offender was Captain Thomas Tomkins, who in the spring of 1602 took a French ship near Malta and plundered a Venetian ship off Cyprus: on returning to Southampton he impudently sent a large part of the booty to the lord admiral, who kept it for some time, but ultimately disgorged it with the exception of some Spanish coin. Tomkins was specially mentioned in a royal proclamation against pirates and some of his associates were hanged. He himself is said to have fled to Wales, reappearing in 1610, when he approached the king with a petition. James, however, remembered his name and put him under arrest. He was condemned to death, but was reprieved almost at once, probably obtaining his freedom by paying compensation. The fishing industry is often mentioned; even in war time (1602) Newfoundland dried fish was taken by the *Ellinor* to Oporto. Many depositions relate to the keeping of the peace between neighbours or to cases of felony such as horse-stealing (pp. 31, 56) and the theft of a cloak at Trinity Fair (p. 40). National jealousy comes out in the quarrel between Richard Jones and a couple of sailors, who untied his green silk garters as he lay asleep in an alehouse. When Jones said he was a Welshman, one of the sailors said 'he thought soe that he was a wellshman and further said there was neu[er] non but knaves and traytors that came out of that Countrie'. It is hardly surprising that after this Jones drew his sword. A noteworthy use of the word Fleming is found on pp. 21 and 23; it is applied to 'Peter Johnson of Embden in Eastfrizlande' and even to 'John Hyer of bargin in norway'. Useful details are given on pp. 42-3 as to the carrier between Southampton and London, and 'John Leame of plewmouthe postman' is mentioned on p. 62.

C. A. J. S.

Early Holborn and the Legal Quarter of London, by E. Williams (London: Sweet & Maxwell, 1927), is a sumptuous book, containing a minute study

of the topography of an important part of London. The author, with laudable energy, has collected from many sources, printed and manuscript, every document that he could find bearing upon the history of the many properties existing in that district and on the way in which each of them passed to their successive owners. The body of documents, so collected, form an important contribution to our knowledge of the topography of London, and will be of great use to any student interested in the history of the chancery and the various inns or *hospicia* connected with that office. They will also throw light on the story of the several inns of court, and of the town-houses of men of importance. It is, perhaps, unfortunate that the author should have thought himself compelled to print translations of his documents rather than texts in the original language; and it may be suggested that it is scarcely worth while to print new versions of calendars published by the master of the rolls or the corporation of London. If it was impossible to print full translations or transcripts of these documents, all that was needed was a reference to the calendars used, which are easily accessible. The comments on the documents which form a great part of the volumes are not always satisfactory, and contain much unsupported conjecture. His treatment of the so-called inns of chancery suggests that he has not mastered the nature of the chancery and does not understand that until the end of the fifteenth century the chancery was far more important as the general secretariat of the government than as a court of equity. If he had had the opportunity of reading the article¹ recently published by Professor Tout on 'The Household and its Disintegration', he would have seen that he must either undertake the difficult task of upsetting Professor Tout's conclusions, or that he must reform his own theories on the matter. Had he even understood the implications of the ordinance of the chancery, of which he has printed a partial translation in his first volume, he would have seen that there were great difficulties in his way. It may be as well to point out here that there is no reason to doubt that the ordinance in question is really the ordinance of 12 Richard II. The text printed in the Hargrove manuscript (see *Orders in Chancery*, G. W. Sanders, 1845) contains names, as Mr. Williams has seen, that cannot be earlier than 1415. But the passages containing these names are obvious interpolations. It is not necessary to go farther into the matter. The value of the book, regarded as a collection of documents, is considerable. The author's comments require careful examination before they can be accepted.

C. G. C.

General editors of local societies who find a difficulty in obtaining competent editors for their publications will view with some envy the *Guide to Archives and other Collections of Documents relating to Surrey* (London: Surrey Record Society, nos. xxiii, xxiv, xxvi, 1925, 1926, 1927) which Messrs. Hilary Jenkinson and M. S. Giuseppi have planned, and with which they have made an excellent start. Mr. Jenkinson contributes an introduction explaining the scheme and enumerating in logical order the chief natural groups of archives which contain material for the Surrey historian, the enumeration of artificial collections, which will also be dealt with, being, for obvious reasons, deferred. The first and most important part of the

¹ *Essays in History presented to Reginald Lane Poole*, p. 46.

task which the society has set itself, a guide to the documents in the Public Record Office likely to be of service to the Surrey historian, has been executed by Mr. Giuseppi. It is a skilful abbreviation and adaptation of his official *Guide* to meet local needs, extensive references to Surrey material in the various classes of documents being given in smaller type. Its usefulness would have been increased by an index of these classes. For the *Parish Records* of the present administrative county the society has had placed at its disposal the exhaustive lists compiled by Miss D. L. Powell for the Records Committee of the Surrey County Council, partly based on older returns from the parish councils themselves, but completed by personal inspection and inquiry and extended to the records in ecclesiastical custody. About a sixth of the parishes have registers earlier than 1558 and those of a fourth more begin in the next twenty years. The other ancient records are nearly all later. Mortlake, for instance, seems to have the only sixteenth-century vestry minute book. In regard to the general introduction, it would not be fair to criticize Mr. Jenkinson for failing to anticipate Mr. Stewart Brown's recognition of the Cheshire Plea Rolls as true county court records, but he should have been aware that quarter sessions records have been published in a good many more than 'one or two counties', and among parish records he does not mention the township book, of which at least one example is in print.

J. T.

The late Dr. G. H. West, a clergyman who began life as a student of architecture in the chambers of Viollet-le-Duc and E. M. Barry, was well qualified to instruct the general reader in his *Gothic Architecture in England and France* (London: Bell, 1927), which has deservedly reached a second edition. It is moderate in size, well illustrated (with a preference in France for examples from Normandy), clearly expressed, and comprehensive. The antiquarian points of interest, the influence of local materials on style, and that of national characteristics upon the art of building are some of the points on which Dr. West dwells. His book is a worthy rival to such earlier volumes as Parker's *Elements*, and would stimulate a young student of history.

E. W. W.

The third volume of *The Diary of a Country Parson: The Rev. James Woodforde* (London: Milford, 1927) covers the years 1788 to 1792, and is as admirably edited and annotated by Mr. John Beresford as the two earlier volumes already noticed in this Review.¹ The tone of the diary is unchanged. The life which it records is incomparably serene. Hardly a ripple of the great events then agitating Europe touched this quiet, self-absorbed Norfolk parish. Woodforde's daily round of duty and social engagements, his large meals, his sports and charities are faithfully recorded, and they were all typically English. At the close of 1792 he wrote in his diary, 'Dinner to day, boiled pork and a rost goose. . . . Revolution clubbs every where much suppressed and constitutional societies daily increasing all over the kingdom. Levelling principles and equality almost discarded.' Thus the clash of world forces found at last a faint echo at Weston parsonage.

G. B. H.

¹ *Ante*, xxxix. 468; xli. 634.

English Women in Life and Letters (London : Milford, 1926) states in its opening sentence that it is intended to describe the lives of English women during the last two hundred years. As a matter of fact, however, it covers the period 1650–1850, beginning with Dorothy Osborne writing letters to Temple in the intervals of looking after a peevish parent and ending with Charlotte Brontë finding it a whole-time job to assist the Rev. Mr. Nicholls with his Sunday schools and parish teas. It thus excludes the last three-quarters of a century during which the status of women has radically altered, and Lady Mary Wortley Montagu's assertion, based on an experience which included Constantinople, that 'there is no part of the world where our sex is treated with so much contempt as in England', has ceased to be even approximately true. The authors, Messrs. M. Phillips and W. S. Tomkinson, do not discuss this or any other generalization, preferring to allow their witnesses to tell their stories themselves. This method has its limitations, but it has produced a very readable book, a feature of which is its excellent illustrations. One of these quotes Pope's lines on Lady Suffolk but applies them to Lady Mary Wortley Montagu. It is true that Pope wrote a celebrated couplet on Lady Mary, but it was in strangely different terms.

R. R. S.

In the *Proceedings of the Massachusetts Historical Society, October 1925–June 1926*, vol. lix (Boston, 1926), will be found several papers of some interest. 'A seventeenth-century letter of marque' contains an independent account of Sir Kenelm Digby's expedition of 1628, based mainly on Venetian authorities. 'Peter Thatcher on Bunker Hill' compares his original report with the alterations made in it by the Massachusetts commission of safety. 'What has become of the Portraits of Louis XVI and Marie Antoinette?' deals with a conundrum to which careful research has been unable to find an answer. Mr. Ford produces 'Some Letters of 1775', which illustrate both sides of the quarrel with England in moderate language and with interesting social connexions. Professor Munro deals with 'Grey Solon Du Lutti, King of the Voyageurs', a leader among the pioneers of the West. Professor Abbott writes on 'James Bloxham, Farmer', the first farm manager of Mount Vernon, brought out by Washington to assist in putting his estates in order. 'Colonial Commerce in 1774–76' tells the story of the adventures of one Captain employed by a single firm from 1774 to January 1777. 'Lincoln's Method of ending the Civil War', by Professor Pearson, deals with his methods of thought and work in a great crisis. Lastly, in 'Sir Charles Vaughan's Viaticum, 1826', Professor Morison publishes from the All Souls manuscripts the diary of a journey from Washington to Niagara Falls and back by the British minister to the United States 1825–35.

H. E. E.

The object of Dr. K. Rothenbücher's philosophico-historical treatise, *Über das Wesen des Geschichtlichen und die Gesellschaftlichen Gebilde* (Tübingen : Mohr, 1926), is to answer the question posed in the preface : 'What do we actually mean when we say that the Past—or anything belonging to the Past—reaches forward to the Future or that the Present leads back to the Past ?' The author's arguments and his general view of the compass of history are of the modern Tübingen school, not yet familiar to English

students ; but a great many of his remarks and criticisms are independent of his own philosophy, and the work is highly stimulating to thought. After a general sketch of the meaning we attach to *present* and *past*, the writer considers in order the family, the nation, the state, and the church as exemplifying union among human beings and societies ; then the political party, culture, the idea of justice and right, social life, &c. The chapters on identity or continuity of states and churches are full of suggestive matter. The third division of the book (*Zusammenfassende Darlegungen*) is most to be recommended to the reader who wishes to see the main theses of the work set forth as clearly as the nature of the subject permits : whatever is historical has present-day existence in so far as it exists in modern minds. The historian can trace the action of forces in combination or opposition, to bring about a certain result ; but this can never amount to a recognition of his own part in securing that result. 'He cannot look over his own shoulder.'

A. G.

Professor G. M. Trevelyan's inaugural lecture, *The Present Position of History* (London : Longmans, 1927), is full of good things, both on the development of the Cambridge history school and upon history as a pursuit. The author of *Clio* might be expected to stress the imaginative and poetic side of the historian, but he offered an eirenicon, too, to the champions of scientific method. Perhaps none of the happy sayings of the lecture was more striking than the tribute to Sir Walter Scott, as the reinspirer of history.

C.

Dr. Ernest Barker, as the first to hold the chair of Political Science at Cambridge, makes his inaugural lecture, *The Study of Political Science and its Relation to Cognate Studies* (Cambridge : University Press, 1928), not only a definition of his subject and a programme of the duties of its professor, but also an appraisal of its various tendencies and of elements philosophic, historic, scientific, which go to form it. The weight of the thought is revealed rather than hidden by the grace of the phrase in the lecture, which exemplifies once more the saying he quotes, *χαλεπὰ τὰ καλὰ*. It is a happy augury for the new chair : 'the quiet hodden-grey of philosophy endures.'

D.

More practical in its theme and bolder, perhaps rasher, in its theoretical *élan* is the Creighton Lecture, *History and Citizenship* (Oxford : Clarendon Press, 1928), delivered by Dr. C. Grant Robertson at the London School of Economics. The vice-chancellor of Birmingham University sees in the present one of those epochs of rapid change and innovation which from time to time transform civilization. It is in the wise transmutation of old factors and their reassortment along with the vivifying new that he sees the means of continued progress in the new era ; and he stresses, as does Professor Barker, from a very different point of view, the value of liberty and self-government among those elder factors.

D.

It has been given to few foreigners to hold such a place in an English university and the English world of learning as Sir Paul Vinogradoff, and it is, perhaps, this aspect of him, the inspiring teacher and leader, no less

than the profoundly learned investigator, that strikes the reader most forcibly in the Warden of New College's admirable *Paul Vinogradoff: a Memoir* (Oxford: Clarendon Press, 1927). But Mr. Fisher does equal justice to the Russian patriot and statesman, the cosmopolitan linguist, 'der Mann der alle Rechte kennt und alle Sprachen spricht'; and, most important of all, he conveys to the reader the greatness of the man, built on a heroic scale. E.

In reprinting from the *Bulletin de la Section Historique de l'Académie Roumaine*, vol. xii, four commemorative discourses of the years 1923-5, under the title *Quatre Figures Françaises en Lumière Roumaine* (Bucarest: Cultura Națională, 1925), Professor N. Jorga presents through the skilful translation of Mlle. Ileana Zara to a now indifferent occidental world generous appreciations of two well-known and one little-known Frenchmen of the last century, distinguished *inter alia* for their sympathy with the struggling Roumanian cause: Michelet, Quinet, and Paul Bataillard. The least famous did, of course, the most practical work. These three sketches are preceded by a graceful commemoration of Renan. But the proof-reading has nodded rather too often for a text of only 37 pages: thus 'parte' for 'parole' (p. 28), 'inartaines' for 'incertaines' (p. 33), 'l'humanité' (p. 34), 'dans [la] capitale' (p. 36), 'alestraite' for 'abstraite' (p. 52), and 'n'est' for 'm'est' (*ibid.*). The present reprint also comprises M. M. C. Soutzo's *Contribution à l'Étude des Poids et des Monnaies Antiques*. C. S. B. B.

The papers read at the Byzantine congress of Bucharest in 1924, of which a summary has been already published and reviewed,¹ have been issued in full in vol. xi of the *Bulletin de la Section Historique* of the Roumanian Academy (Bucarest: Cultura Națională, 1924). The historical subjects treated include *The Attempt of the Arabs to conquer Asia Minor*, by Sir William Ramsay; *Un Duc Byzantin du xi^e Siècle: Katakalon Kékau-ménos*, by Professor N. Bănescu; *Les Origines de l'Iconoclisme*, by Professor N. Jorga; *Ueber die Morlaken und ihren Ursprung*, by Dr. Silviu Dragomir; *Manuel II. Paléologue et les Rois d'Aragon*, by M. Constantin Marinesco; and *L'Origine des Comnènes*, by M. G. Murnu. The rest deal chiefly with art. W. M.

A well-planned bibliography is one of the chief needs of the student in any department of history, and Mr. Norman H. Baynes deserves our thanks for the excellent one he has, with the assistance of several other scholars, provided in *The Early Church and Social Life in the Historical Association Leaflets* (London: Bell, 1927). The division is logical and the brief introductory comments on each section of the subject are illuminating. The pamphlet is easy to find one's way about in. Perhaps more frequent appraisements of the separate works might have been given. F.

¹ *Ante*, xli. 645.

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THE ENGLISH HISTORICAL REVIEW



EDITED BY

C. W. PREVITÉ-ORTON, M.A.,

FELLOW AND LIBRARIAN OF ST. JOHN'S COLLEGE, CAMBRIDGE.

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Richard fitz Neal and the Dialogus de Scaccario

PART II

3. *In perdonis per breue Regis*

THE method of entering remissions of payments on the pipe roll is twice discussed in the *Dialogus*. In the first place it is explained that the barons of the exchequer are quit from taxation and murder fines by reason of a writ addressed by Henry I to the exchequer, and hence the form of entering such remissions is 'in perdonis per breue Regis'. Of recent years, moreover, namely in the Michaelmas term 24 Henry II, a rule had been laid down by the king providing that the Templars, Hospitallers, and Cistercians should no longer be required to bring their charters to the exchequer when claiming remissions of payments due, but that instead a writ should be made out, the form of which is given. By virtue of writs in this form, the entry in the pipe rolls in such cases also follows the formula 'in perdonis per breue Regis'.¹ The long discussion devoted to this matter might lead us to suppose that the formula was used only in cases of exceptional privilege. We are hardly prepared, therefore, for the later statement that, where a debtor brings a charter into the exchequer granting remission from any liability, the entry on the roll must always be 'in perdonis per breue Regis'.² There appears to be an obvious contradiction, which may be due either to the unfinished

¹ *Dialogus*, pp. 95-8. The notes of the editors at pp. 192, 229, are misleading, as will appear from what follows below. In particular, the following corrections should be made. *Denarii* are not merely moneys due as judicial amercements: remissions of taxation are not infrequent, e.g. *Pipe Roll*, 5 *Hen. II*, pp. 50, 52; 7 *Hen. II*, p. 30; 8 *Hen. II*, pp. 33, 41, 43; 24 *Hen. II*, p. 76; 26 *Hen. II*, p. 75. Items relating to the forest are not treated differently from others. Those having the 'libertas sedendi ad Scaccarium' had no charters nor even writs; this is the whole point of the anecdote related of the earl of Leicester (*Dialogus*, p. 104).

² *Ibid.* p. 143.

state of the book and the later date of some sections, or to a confusion of mind from which, we sometimes suspect, Richard fitz Neal was not free.

It is instructive to examine the pipe rolls in the light of what the *Dialogus* tells us of the rule promulgated in the Michaelmas term 1178. Obviously if there were any connexion between this rule and the formula 'in perdonis per breue Regis' we should expect that the rolls made up at Michaelmas 1179 and in later years would show a marked difference in recording remissions, at least to the three favoured orders. We must, of course, remember that a good many remissions were obtained by those who had no charters giving them a general immunity: in such cases a writ would, we imagine, be the usual authority for the remission, and the scribe was impelled to quote it. But religious orders and religious houses usually possessed immunities conferred by charter, and we might have supposed, had we merely the *Dialogus* as evidence, that in such cases the record of a remission on the pipe roll would, in the years before 1178,¹ have quoted the charter. Consequently we should have expected the rolls to have borne the formula 'per breue' when there were only writs, and 'per libertatem carte' when there were charters.

The pipe rolls, however, seem not to be entered up in that fashion. Until 1165 the usual formula was 'in perdonis per breue Regis' or its equivalent.² Never in the first ten years of Henry II's reign does there seem to be mention of any charter as the authority for a remission. In the roll of the eleventh year the charter of Robert de Vaux is the authority given for the remission of *noute-geld* (here spelled *notegild*) in Cumberland;³ but no other charters seem to be mentioned until the thirteenth year, when those of Battle Abbey and Cluny as well as that of Robert de Vaux are mentioned.⁴ A charter of the Templars is first mentioned in the roll of 1170; but this charter confers the right of having one man quit from tallage in every royal borough.⁵ The Hospitallers had a charter in like terms which is mentioned in the roll of 1174.⁶ But until 1178 these occasional references to charters are very

¹ Assuming, as we presumably should, that the rule first applied to the three orders and that the later passage in the *Dialogus* referred to a regulation made at a later date.

² e.g. *Pipe Roll*, 2 *Hen. II*, pp. 9, 23: 'in perdonis per breue Regine'.

³ *Pipe Roll*, 11 *Hen. II*, p. 54: hitherto the formula used for recording such remissions had been 'in perdonis per breue Regis' (*Pipe Roll*, 4 *Hen. II*, p. 119, and so each year to *Pipe Roll*, 10 *Hen. II*, p. 2). But Hubert de Vaux had died since Michaelmas 1164 and his lands, quit of *noute-geld*, had been confirmed by charter to his son Robert (*Carte Antique* roll xxviii, no. 20: date not later than September 1165; cf. Eyton, *Court of Henry II*, p. 84). Hubert de Vaux had also received a charter granting quittance from *noute-geld* which must be dated early in 1158 (*Carte Antique* roll xxviii, no. 7; Eyton, *op. cit.* p. 33).

⁴ *Pipe Roll*, 13 *Hen. II*, pp. 8, 125, 132, 173.

⁵ *Pipe Roll*, 16 *Hen. II*, p. 17.

⁶ *Pipe Roll*, 20 *Hen. II*, p. 65; the Templars' charter is also mentioned, p. 23.

infrequent. In the roll made up in that year there is a marked difference : we now find references, some several times repeated, to charters of the Templars¹ and Hospitallers² (but clearly not the charters mentioned in earlier rolls), the abbeys of Battle,³ Bec,⁴ Boxley,⁵ Godstow,⁶ Kingswood,⁷ and Sawtre,⁸ the priories of Christ Church, Canterbury,⁹ St. James of Bristol,¹⁰ and Merton,¹¹ as well as to the charter of Robert de Vaux, a reference that has been repeated from roll to roll for many years.¹² Sometimes the formula employed is 'in perdonis per libertatem carte sue', and sometimes 'in perdonis per breue Regis et per libertatem carte sue': the formula 'in perdonis per breue Regis' is also found in connexion with some of these religious houses. In the roll of 1179 the references to charters are very few,¹³ and in succeeding rolls until 1189 fewer still:¹⁴ the formula almost uniformly employed being 'in perdonis per breue Regis'. The formula 'in perdonis per libertatem carte' is again frequently to be found in the roll of 1189¹⁵ and in the rolls of succeeding years. From 1190 another formula also appears 'in perdonis per libertatem sedendi ad Scaccarium' or 'per libertatem Scaccarii':¹⁶ this is, of course, a flagrant breach of the rule laid down in the *Dialogus* for entering on the roll remissions to barons of the exchequer; for in such cases, we are told, no fresh writ issues, the original writ of Henry I being sufficient, and this is the *breue Regis* cited in the roll as authority for the remission.¹⁷

At this point attention may be called to two coincidences in date. One, which can hardly be accidental, is Richard's elevation to the see of London in September 1189, and the obvious disregard from the Michaelmas term 1189 onwards of the rules he had laid down for entering remissions on the roll. Since Richard as treasurer was responsible for the phraseology of the roll,¹⁸ and since he was addicted, pedantically perhaps, to the use of conventional formulas, we can hardly doubt that in the departure from rules which marks the rolls made up from Michaelmas 1189 onward we have evidence that Richard had ceased to give close supervision to the details of exchequer administration.

¹ *Pipe Roll*, 24 Hen. II, pp. 24, 114, 118.

² *Ibid.* pp. 108, 115, 118.

³ *Ibid.* pp. 29, 108, 115.

⁴ *Ibid.* p. 118.

⁵ *Ibid.* p. 115.

⁶ *Ibid.* p. 59.

⁷ *Ibid.* p. 125.

⁸ e.g. *Pipe Roll*, 26 Hen. II, pp. 3, 60, 75; *Pipe Roll*, 27 Hen. II, pp. 24, 123.

⁹ *Pipe Roll*, 1 Ric. I, pp. 22, 24, 26, 27, 32, 33, 34, 80, 94, 99, 102, &c.

¹⁰ See *Pipe Roll*, 2 Ric. I, 3 & 4 Ric. I, Index Rerum, s.v. *Scaccarium*; and so in later rolls (Madox, *History of Exchequer*, ii. 20 f.).

¹¹ *Dialogus*, p. 97; *supra*, p. 321.

¹² *Ibid.* p. 78: 'Ipse namque ministrat verba secundum qualitatem negotiorum in scripturam rotuli sui.'

¹³ *Ibid.* pp. 108, 123, 133.

¹⁴ *Ibid.* p. 122.

¹⁵ *Ibid.* pp. 57, 118.

¹⁶ *Ibid.* pp. 23, 118, 132, 133.

¹⁷ *Ibid.* p. 133.

¹⁸ *Pipe Roll*, 25 Hen. II, pp. 30, 41, 54, 104, 123.

But if in this coincidence we see without difficulty cause and effect, the other coincidence, scarcely less striking, provides a puzzle not easy of solution. On the one hand, we have the statement in the *Dialogus* that a rule was made in the Michaelmas term 1178 which would have as its consequence the more frequent use of the formula 'in perdonis per breue Regis' in writing up the roll: and, on the other hand, we have the marked difference in the use of this formula between the roll of 1178 and the roll of 1179, such a difference in fact as we should expect to find if a rule were made late in the Michaelmas term 1178 after the roll for the previous twelvemonth had been completed. But this is not a full explanation. In this particular the roll of 1179 is like the roll of 1177 and of earlier years: it is the employment of an unusual formula in 1178 which seems especially to require elucidation, not the reversion to normal usage in 1179.

Any attempt at precise explanation will lead us to inquire what process was necessary to obtain the remission of a payment due to the exchequer. Knowledge of this kind the pipe rolls would of course effectually hide from us if Richard fitz Neal had had his wish and every remission were cloaked under the uniform formula 'in perdonis per breue Regis'. But the scribes who wrote up the roll did not share Richard's love of formalism, and they have managed to tell us something which supplements and perhaps corrects the *Dialogus*. Clearly enough, when one who had to account at the exchequer claimed that a payment be remitted to him, he must produce his warrant. He might enjoy the 'libertas sedendi ad Scaccarium', and presumably had then merely to make a formal claim notorious to all around the exchequer board: ¹ or he produced a charter which would be closely scrutinized before the claim was admitted: ² more usually perhaps he produced a writ in which a specific sum was mentioned, and sundry remissions might be allowed to him until this total was completed.³ All this of course entailed questions and answers, the production of documents and perhaps debate. The listening scribes were inclined to enter on the roll not a bare reference to a royal writ (which might not in fact exist) but the actual reasons

¹ *Dialogus*, pp. 95 ff., 102 ff.

² *Ibid.* p. 143.

³ e.g. *Pipe Roll*, 22 Hen. II, p. 144: a writ for 15s. 4d. in favour of Reginald de Courtenay is discharged by four separate sums leaving a balance of 2s. *Ibid.* pp. 203, 204: a writ for 20s. in favour of Randulf de Brok is discharged by two sums of $\frac{1}{2}$ m. and 1 m. Sometimes the amounts of the remissions appear to exceed the total stated in the writ, e.g. £46 3s. 4d. + £5 + 1 m. in respect of a writ in favour of the bishop of Winchester for £51 3s. 4d. (*Pipe Roll*, 24 Hen. II, pp. 108 ff.). It seems possible that the sums of 37s. and 9 m. remitted to the Hospitallers on the same roll (*ibid.* pp. 35, 102) may have been in respect of a single writ for 11 m.; but two counties are concerned and it may be that two writs for identical amounts were granted; see also *infra*, p. 330, n. 2. There seems frequently to be a discrepancy between the amount stated in the writ and the total of the remissions allowed: the reason is obscure.

for the remission ; and this they fairly often managed to do, and in so doing contrived to tell us more than we can learn from the *Dialogus*.

A few examples will show how convention might be neglected and what kind of detail the scribes caught up and transferred to the roll.

In perdonis per breue Regis . . . quia dedit se hospitali.¹

In perdonis precepto Archiepiscopi pro paupertate et combustione sua.²

In perdonis pro paupertate sua.²

In perdonis cuidam burgensi xl.s. pro paupertate.³

In perdonis v. s. pro wasto.⁴

Hugo filius Waldin' reddit compotum de v. m. pro recto suo festinando de feodo i. militis. In thesauro xl. s. Et debet xxvi. s. et viii. d. Sed Rex perdonat Iohanni Cumin illos per breue suum.⁵

Rex precipit ne amplius exigantur ab eo per hunc rotulum sed abraduatur de rotulo, per breue suum.⁶

Samuel presbiter de Pilton' reddit compotum de lxiii. li. et xii. s. et vi. d. de misericordia. In thesauro lxxii. s. et vi. d. Et in perdonis per breue Regis ipsi Samueli xl. li. pro paupertate sua, quia admensuratus est de misericordia c. m. in qua positus fuit per Willelmum filium Iohannis per xl. m. per sacramentum vicinorum suorum . . .⁷

In perdonis per Barones i. leproso.⁸

In perdonis per breue Regis . . . prece Archiepiscopi Cantuariensis.⁹

In perdonis per breue Regis . . . propter destructionem terre per werram.¹⁰

From this selection of irregular or explanatory entries we may make two deductions : firstly, that the exchequer court occasionally remitted payments, without the formal authority of a writ, on grounds of compassion or of equity ;¹¹ secondly, that where

¹ *Pipe Roll, 4 Hen. II, p. 145.*

² *Pipe Roll, 8 Hen. II, p. 55.*

³ *Ibid. p. 62.*

⁴ *Pipe Roll, 11 Hen. II, p. 101.*

⁵ *Pipe Roll, 12 Hen. II, p. 79.* This appears to mean that 2 m. were remitted by a writ addressed to John Cumin, who was acting as justice.

⁶ *Ibid. p. 132.*

⁷ *Pipe Roll, 14 Hen. II, p. 141.* This appears to mean that Samuel was at first amerced 100 m. by William fitz John and the penalty subsequently reduced after a sworn inquest ; see Madox, *History of Exchequer*, i. 527. Incidentally this entry seems to show that William fitz John had visited Dorset and Somerset as justice in 1164 or 1165, a fact not disclosed by the original entry relating to the amercement (*Pipe Roll, 11 Hen. II, p. 64*).

⁸ *Pipe Roll, 16 Hen. II, p. 17.*

⁹ *Pipe Roll, 24 Hen. II, p. 123.*

¹⁰ *Ibid. p. 125.*

¹¹ This is clearly shown by the remission *per barones* quoted above ; where no writ or other authority is given it is to be supposed that the court was equally acting on its own responsibility ; perhaps a decision taken in court is implied also by 'precepto cancellarii', 'precepto archiepiscopi', standing alone. It is by no means certain that a *precept* was in writing as is sometimes assumed (*Cambridge Medieval History*, v. 557, 576) : the pipe rolls seem to draw a careful distinction between a precept and a writ, e.g. *Pipe Roll, 7 Hen. II, p. 50* : 'Et in perdonis per breue Regis Alexandro filio Warini xl. s. precepto Cancellarii' ; *Pipe Roll, 21 Hen. II, p. 184* : 'In perdonis per breue Ricardi de Luci Rogero de Flammeuilla per preceptum Regis.' It is possible, therefore, that the precepts of the chancellor were oral instructions in court. It is of interest to note that Becket continued to give precepts after his elevation to Canterbury. These remissions may have been accorded on the occasion of the review of

there was a writ, it might set out the grounds upon which a remission was made, and this explanation, whatever it might be, occasionally found its way on to the roll. We can, moreover, find a writ the formula of which gave rise to the often repeated entry 'per breue Regis et per libertatem carte sue': this writ, which is addressed to the barons of the exchequer, is thus conceived:

Perdono fratribus Hospitalis Ierusalem duas marcas argenti que exiguntur ab hominibus suis in Essexia pro defectu, et prohibeo ne amodo ulla occasione exigatis ab eis uel terris uel hominibus suis aliquid quod ad denarios pertineat, quia clamo eos et terras et homines suos quietos per libertatem carte mee de omnibus que ad denarios pertinent, excepta sola iusticia mortis et membrorum.¹

Of this writ something more will be said presently: here I would observe that there can be no doubt of the correspondence between the final clause of the writ and the formula employed on the roll.

It is presumably on the same lines that we should explain the entries referring to charters which appear exceptionally in the rolls from 1165 to 1177 and from 1179 to 1188. If we seek for an explanation of the original reference to the charter of Robert de Vaux in 1165, we can point to the charter which had recently been granted to him, and we can be certain that it was presented for inspection at the exchequer.² The scribe doubtless should have made the conventional entry 'in perdonis per breue Regis', which the inscrutable and inexplicable rule expounded by Richard fitz Neal required;³ but there was no writ, and the scribe, struck perhaps by the unusual terms of the charter, blundered into the plain fact. Since the remission was due annually, the entry, once on the roll, was likely to be repeated year after year, as in fact it is; for mechanical copying, as students of the pipe rolls know, was a vicious fault of the exchequer scribes: even the filial tribute to Nigel, bishop of Ely, 'Set mortuus est et requiescat in pace', is worn thin by reiteration on roll after roll.⁴ Like the charter to Robert de Vaux, the charters to the Templars and Hospitallers which concede the right to have one man quit of tallage in every royal borough may have been recently granted when they leave

debts described in the *Dialogus*, pp. 113, 114: the editors suggest (p. 207) that then the barons 'affereed' amercements; cf. Madox, *History of Exchequer*, i. 528 g.

¹ Public Record Office, *Carte Antique* roll xxvii, no. 13: printed, with some slight variations, Delaville le Roulx, *Cartulaire général des Hospitaliers*, i. 312, no. 452; Delisle, *Actes de Henri II*, no. dxxlii.

² *Dialogus*, p. 143: 'Quod si regis cartam de quietantia rerum eiusdem generis ad scaccarium deferat.' Note that the *Carte Antique* roll xxviii describes the charter to Hubert de Vaux as 'Carta de Quietantia Noutegeldi' and that to Robert de Vaux as 'Carta de predicta Quietantia'.

³ *Dialogus*, loc. cit. The author does not attempt to explain this rule. Doubtless we should apply to it his statement: 'Set tamen quid fiat dicimus, non quid forte fieri debeat.'

⁴ *Pipe Roll, 15 Hen. II*, p. 145, and subsequent years under Cambridge.

their mark upon the roll : ¹ their unusual character must clearly have attracted the attention of the scribe.

But we cannot in every instance pretend to detect the reason for the scribe's lapse from the exchequer rule. These exceptional entries cannot all be explained, like the original entry referring to Robert de Vaux, by the recent grant of a charter. For example, in the roll of 1166 there is the entry : ² ' Wicheberia Abbatis de Radingia reddit compotum de vi. m. pro defectu. Per libertatem cartarum ecclesie de Radingia inde quieta est.' The latest charter included under this reference must be one granted by Henry II some ten years previously ; ³ and it is not obvious why any other charter need have been produced, for this specifically mentioned the grant of Whichbury and conceded the widest immunities. Equally hard is it to know why in the roll of 1167 there should be two such entries as ' per libertatem cartarum ecclesie de Bello inde quietus est ' ⁴ We are left to wonder what there was in the circumstances of the claim or the charters of Battle Abbey that attracted the attention of the scribe. ⁵ Or, to take another instance, why should remissions to the archbishop of Canterbury be twice recorded on one membrane of the roll of 1188 by the entry ' in perdonis per libertatem carte sue ' ? ⁶

All we can say is that a reference to a charter in an entry recording a remission in a pipe roll of Henry II may be, but often is not, connected with a recent grant. There was no sudden activity in the granting of charters to account for the peculiarities of the roll of 1178. Conversely, the grant of a charter conferring some special immunity does not necessarily result in any entry on the pipe roll referring to that charter. The charter granting Hubert de Vaux quittance from *noutegeld* can be dated within very narrow limits, and we can identify the corresponding entry in the roll made up at Michaelmas following ; but here and in each successive roll until his death the formula is invariably ' in perdonis per breue Regis '. ⁷ The vagaries of the scribe are incalculable : we cannot hope to know what moved his mind and hand to break the exchequer rule. ⁸

¹ I have not traced any reference to these charters other than the pipe-roll entries.

² *Pipe Roll, 14 Hen. II*, p. 164.

³ Brit. Mus., Add. Charter, no. 19591 : *Brit. Mus. Facsimiles of Royal &c. Charters*, no. 40 ; Delisle, *Actes de Henri II*, no. 33.

⁴ *Pipe Roll, 13 Hen. II*, pp. 8, 132.

⁵ Cf. *Pipe Roll, 16 Hen. II*, p. 123 : ' Et Abbati de Bello . . . per libertatem carte sue.' See also *Pipe Roll, 20 Hen. II*, p. 31 : ' Sed habet inde pacem per libertatem carte quam ecclesia de Bello habet ' ; this is repeated, *Pipe Roll, 21 Hen. II*, p. 102 and *22 Hen. II*, p. 172, which looks like another instance of mechanical copying. But *pax* is not quittance, and the debt appears for the last time in *Pipe Roll, 23 Hen. II*, where the entry is : ' In perdonis per breue Regis. . . Et quietus est.'

⁶ *Pipe Roll, 34 Hen. II*, p. 59.

⁷ *Supra*, p. 322, n. 3.

⁸ Cf. *Dialogus*, p. 81 : ' Cauendum autem est scriptori ne aliquid motu animi sui scribat in rotulo.'

We have seen that remissions might be gained in various ways : by virtue of a charter ; by virtue of the king's writ (which may be used sometimes to apply to specific cases the general privileges conferred by charter) ; by virtue of a seat at the exchequer ; by way of grace at the discretion, it would seem, of the court or of some exalted royal minister. But we may learn yet more from the pipe rolls. In the roll of 1166 there is the record of an eyre held by Geoffrey de Mandeville and Richard de Luci in Lincolnshire : here are three entries : ¹

Idem Wapentac debet x. m. pro ii. murdris sine Socha.

Idem Wapentac debet v. m. pro i. mурdro sine terra Templi et Hospitalis et Monialium.

Idem Wapentac debet xl. m. pro i. mурdro sine terris Templi et Hospitalis et Monacorum et Monialium.

Again, in the roll of 1168 we have the record of an eyre in Devon and we find a similar entry : ² ' Idem vicecomes reddit compotum de x. m. pro multis murdris in Axemenistre hundredo, excepta terra Monachorum de Forda.' The interpretation of these entries appears to be plain : the justices themselves admitted the claims of religious houses to exemption from the murder fine. How frequently this was done we have no means of ascertaining : it is not a simple matter of adding up similar entries, for it is highly probable that the fact that there had been a remission would often not be recorded on the pipe roll, and perhaps not on the justices' roll which underlies it. It may well have been no exceptional thing in the earlier years of Henry II's reign for a claim to immunity to be made before the justices and admitted by them. If we go back to Stephen's reign we shall find at least one instance where a claim of this sort was established in the county court. Ralf Picot, the sheriff of Kent, had attempted, we are told, to exact from the manor of Elwerton scot and danegeld, murder fines, and other charges usually fixed upon land. But the sheriff's demands had been resisted on the grounds that Elwerton was the demesne of the monks of Christ Church, Canterbury, and that it was discharged of all burdens except certain payments in respect of the monks' food and of the altar of Christ. After many arguments and legal proceedings, in 1153 the case came for determination before the county court. Here judgement was given in favour of the monks, and it was found that no justice or royal minister or any one else ought to levy on the monks' land at Elwerton any of the charges in question.³

Under Henry I, however, the procedure may have been not

¹ *Pipe Roll, 12 Hen. II, p. 8.*

² *Pipe Roll, 14 Hen. II, p. 133.*

³ MS. Cott. Faustina B. vi, fo. 100 b : this entry must be nearly contemporary. A later, inferior transcript occurs in a register at Canterbury, whence it has been printed, *Hist. MSS. Commission, VIII Report, Appendix i, p. 329 b.*

dissimilar to that in the latter part of the reign of Henry II. We catch a glimpse of it in the action brought by the monks of Abingdon in the year 1119. Like the monks of Christ Church they claimed that their demesne lands were quit of geld, although geld had been wrongfully exacted on many occasions. The monks brought the matter into the king's court, where the justiciar, Bishop Roger of Salisbury, the bishop of Lincoln, the chancellor, and Ralf Basset gave judgement that affidation was to be made on behalf of the abbey in the county court of Berkshire. Accordingly, to a plenary session of the county court in November 1119 there came a crowd of monks and men of the abbey; and one of the latter, chosen to represent the abbey, grasped the hand of the sheriff and pledged his faith that, when a geld was levied in the county, the abbey ought to be quit in respect of seven-score hides of demesne. In this instance the barons of the exchequer—for such we may believe the justiciar and his fellows to have been—first adjudicated upon the monks' claim and then remitted one question, that of the extent of the demesne, to be determined by the county court, and apparently selected the mode of proof.¹ It is to be noted that the effect of the judgement seems to have been to exclude the abbey lands in computing the geld due from the county: the sheriff was not charged with the gross sum, but the sum 'preter terram Abbatis',² just as we have seen the net sum due from wapentake or hundred in respect of murder fines charged in the earlier years of Henry II.

If we arrange these events in chronological sequence, we cannot but suspect that, after a lapse in the time of Stephen, there was a gradual tightening in procedure, an increase in the authority of the exchequer. It becomes impossible for the county court, even when the king's justices are present, to decide upon a claim of immunity: that is a question which must be settled at the exchequer itself. So we have the rule, of which Richard fitz Neal tells us and which the rolls confirm, that the full amount of the debt is entered on the roll and has to be accounted for either by payments or remissions or debts carried forward.³ And with this growing stringency in proving debts I would connect what he

¹ *Chron. Monasterii de Abingdon*, ii. 160. From the account given in the abbey chronicle it might be doubtful whether the point at issue was the quittance of the demesne from geld or merely the extent of the demesne. The evidence of the pipe roll of 1130 strongly suggests that it was the major question of quittance that was raised and decided in the exchequer: the Abingdon lands are treated quite exceptionally, for no other lands are excluded in reckoning the county's total liability. On the point whether the justices were sitting as barons of the exchequer, note that all except the chancellor were members of the court 'in thesauro' at Winchester a few years previously (*ibid.* p. 116): when the chancellor was available in England he would, of course, sit in the exchequer.

² *Pipe Roll, 31 Hen. I*, p. 123; cf. pp. 125, 126, where no remission is recorded in respect of the abbey's lands.

³ *Dialogus*, p. 142.

tells us of those who had had to bring their charters to the exchequer to prove their claim, until a writ had been devised which relieved them of their journey to court and their tedious wait until the claim had been admitted.¹ This, I suggest, was not an ancient grievance but one created by the growing centralization of public administration under Henry II : characteristically the grievance was relieved by a royal writ, itself a symbol of the increasing control of the central government.

But this brings us to the questions, when was the writ devised, and was it limited, as the *Dialogus* seems to imply, to Templars, Hospitallers, and Cistercians ? Although the form which Richard fitz Neal gives lacks the final clause of the writ we have quoted above, there can be no doubt that the form is the same ;² and whenever we find on the roll the formula ' in perdonis per breue Regis et per libertatem carte sue ', we can have little doubt that a writ in this form underlies it, although we cannot of course assume the contrary of this and suppose that the writ has not issued where some other formula is found. Now this formula, which refers both to writ and charter, seems to be first used in entering up the roll of 1178 : here it is employed a good many times.³ We can therefore conclude with some confidence that the writ was already in existence at Michaelmas 1178.

We shall come to the same conclusion if we endeavour to determine the date of the writ in favour of the Hospitallers which has been quoted above. The witnesses are Richard bishop of Winchester, Geoffrey bishop of Ely, and Richard de Luci. Both bishops were consecrated in October 1174 : and since the writ is dated at Westminster and the king was not in England between October 1174 and May 1175, it cannot be earlier than this latter month. Richard de Luci entered his own abbey of Lesnes after Easter 1179, but he had for some time been of a mind to retire from the world,⁴ and although the pipe roll of 1178 shows him active in the king's business, there is no trace in the roll of 1179 of any public duty discharged by him. It is therefore practically certain that we must date his signature before Michaelmas 1178.⁵

¹ *Dialogus*, p. 98.

² There are slight verbal differences. The preceding passage, p. 98, ll. 8-12, appears to be merely a rearrangement of the final clause of the writ : ' per carte sue libertatem . . . omnium que ad denarios pertinent, excepta iustitia mortis et membrorum.' Cf. *supra*, p. 326.

³ At least fourteen entries are in this form : see *infra*, p. 331.

⁴ R. de Diceto, *Ymages Histor.* i. 425 ; *Gesta Henrici*, i. 239.

⁵ For his employment in 1178 see *Pipe Roll*, 24 *Hen. II*, pp. 33, 38, 53, 58, 65, 81, 105, 112, 127-9 : in a number of instances ' per breue Ricardi de Luci ' is misprinted ' per breue Ricardo de Luci '. *Pipe Roll*, 25 *Hen. II*, pp. 52, 85, 87, 94, mentions him only as holding *terrae datæ* : this cannot be explained merely on the ground of the king's return and the discontinuance of the use of the justiciar's writ, for Richard held other offices in 1178 (*Pipe Roll*, 24 *Hen. II*, pp. 38, 105). Mrs. Stenton (*Cambridge Medieval History*, v. 578) appears to have come to the same conclusion, that he was

Since the king was again absent from England between August 1177 and July 1178, the date of the writ is narrowed down to the period May 1175 to August 1177 or else the period July to September 1178. Moreover, the writ is dated at Westminster *ad Scaccarium* and probably issued therefore at a Michaelmas or Easter session, which makes a date in 1178 rather dubious.¹ Unfortunately, no entry corresponding to the writ can be identified with certainty on any pipe roll, and we cannot therefore check the date by this means.² For our present purpose, however, the important point is the existence of the writ before Michaelmas 1178.

Equally important is it to note that the pipe roll of 1178 shows that writs in this form issued not only in favour of the three orders mentioned in the *Dialogus*, but in favour of others as well. The Benedictines of Christ Church, Canterbury,³ and St. James's Priory, Bristol,⁴ certainly had writs in the same form as the Templars⁵ and Hospitallers⁶ and the Cistercians of Boxley,⁷ Sawtreys,⁸ and Kingswood.⁹ Very probably other houses benefited also, but the evidence does not permit us to assert this too positively.¹⁰

We have therefore two good reasons for questioning the accuracy of the statement in the *Dialogus* with regard to the rule made in the Michaelmas term 1178: the evidence points to the use of the writ before Michaelmas in that year and also to its use for other orders than Templars, Hospitallers, and Cistercians. The only definite point on which the pipe rolls lend support to the *Dialogus* is the supersession in 1179 of formulas in which charters are mentioned by the formula which mentions only a writ.

not employed after Michaelmas 1178. The statement that he was disgraced in 1176 (Delisle, *Actes de Henri II*, Introduction, p. 435) is based upon a mistaken interpretation of a passage in *Gesta Henrici*, i. 124: this misapprehension has affected the dating of a number of documents in Delisle's collection.

¹ Also dubious, for another reason, is a date earlier than Michaelmas 1175, since the Easter session of 1175 appears to have been at Oxford (*Pipe Roll*, 21 *Hen. II*, p. 11; *Dialogus*, Introduction, p. 44).

² I suspect that the relative entry may be *Pipe Roll*, 24 *Hen. II*, p. 35, where there is a reference to a writ for 11 m. granted to the Hospitallers, and that the transcript in the *Carte Antique* is corrupt. See also *supra*, p. 324, n. 3. The remissions of 35s. 11d. and 17d. in *Pipe Roll*, 22 *Hen. II*, p. 4, and 25 *Hen. II*, p. 53, it seems impossible to relate to this writ.

³ *Pipe Roll*, 24 *Hen. II*, pp. 23, 132, 133.

⁴ *Ibid.* p. 59.

⁵ *Ibid.* pp. 24, 114, 118.

⁶ *Ibid.* pp. 108, 115.

⁷ *Ibid.* p. 122.

⁸ *Ibid.* p. 115.

⁹ *Ibid.* p. 57.

¹⁰ There is no apparent consistency in the use of any formula: it is possible that, whenever the formula 'in perdonis per libertatem carte sue' is used in this roll, the writ is implied, as would seem to be the case with the entries relating to the Hospitallers and Kingswood Abbey at p. 118. Similarly in *Pipe Roll*, 26 *Hen. II*, p. 3, we have the formula, 'in perdonis per breue Regis . . . per libertatem carte sue', used in the case of the canons of Waltham, although in *Pipe Roll*, 25 *Henry II*, p. 54, the formula is 'in perdonis per libertatem carte sue'. It seems likely, therefore, that the other religious houses mentioned in the roll of 1178 (*supra*, p. 323) obtained the writ: the writ may, even in 1178, be hidden by the formula 'in perdonis per breue Regis'.

It is clear that the evidence of the rolls must be preferred, and we are left to explain as best we may how Richard fitz Neal came to fall into error. Fortunately, we are no longer tied to the belief that the *Dialogus* was completed in its present form by the spring of 1179. The passage now under discussion was, however, clearly written before Michaelmas 1189, when the method of entering up the roll changed in flat contradiction to the rule laid down in the *Dialogus*: but, on the whole, a date nearer 1189 than 1179 seems the more probable, because we must allow for the passage of years to confuse the author's recollection of events with which, at the time of their occurrence, he must have been well acquainted. The passage of years is indicated too in the words with which he introduces his account of the framing of the writ. First of all, he gives an account of something that had happened under Henry I, as Nigel bishop of Ely, had related it to him; then he continues: 'Simile autem huic aliquid temporibus modernis nos vidisse meminimus.'¹ It is inconceivable that any one could thus write or speak of an event that had happened a few weeks or months previously: after an interval of some years the words would be perfectly natural and appropriate.²

What I would suggest is that the passage in the *Dialogus* results from a confusion of three separate events: (1) the framing of the writ in order to relieve the grievance of those religious houses which formerly had been able to prove their claims in the county court, but had since been required to present their charters at the exchequer, wherever it might happen to be sitting; (2) a subsequent instruction governing the method of entering on the rolls remissions accorded by this writ; (3) the grant by the pope of special privileges to the Cistercians, Templars, and Hospitallers. As regards the first and second of these events there is no real doubt: the writ was, as we have seen, framed before Michaelmas 1178; while the instruction that entries consequent on it should be in the form 'in perdonis per breue Regis' was not in force when the roll made up at Michaelmas 1178 was being written. As regards the third, it is known that Adrian IV had restricted to the three orders the privilege of exemption from tithes, and Alexander III, in effect, confirmed this privilege to them;³ Richard fitz Neal, it is certain, could not have been ignorant of their specially favoured position, and he may even

¹ *Dialogus*, p. 98.

² Cf. *ibid.* p. 103: 'vidi ego ipse, qui loquor tecum, modernis temporibus Legrecastrie comitem Robertum.' But this Robert earl of Leicester, died in 1168.

³ Appendix to Third Lateran Council, pars xiii, c. 5 (Mansi, xxii. 328): this was embodied in the *Decretals*, lib. iii, tit. xxx, c. 10. The full text of Alexander III's letter has not survived and the date is not known (Jaffé, *Regesta*, no. 14117). Other orders could obtain exemption only in respect of waste lands newly broken up at their expense and with their own labour, the produce of their animals, and their gardens.

have had in his collection of public documents a letter of Adrian's or Alexander's on the subject, now lost to us, which granted privileges wider than the mere exemption from tithes.¹ It certainly seems that, by a trick of the memory, he restricted to the three especially favoured orders relief granted by the king to many religious orders and houses, and this mistake of his may have been due to his recollection of certain papal privileges. A supposition is involved here which, from the nature of things, cannot be proved: it explains what is otherwise hard to explain, but even if it is rejected the facts remain, and one of the facts is that the account given in the *Dialogus* of the remission of payments is demonstrably incorrect. What really happened between Michaelmas 1178 and Michaelmas 1179 was not that the king had authorized a new rule and a new writ, but that Richard fitz Neal had himself given an instruction to govern the method of entering a writ that had already introduced a new formula to the pipe roll of which he disapproved.

4. The Law of Usury

It has not, I think, been previously noticed that the first independent evidence of the law of usury as it is expounded in the *Dialogus*² comes from the year 1170. The suggestion has been made that the law was introduced at the Conquest, but this is a guess which has nothing in its favour.³

Put briefly, the rule given in the *Dialogus* is that a Christian usurer is not subject during his lifetime to the jurisdiction of the king's court, but that on his death his chattels are forfeit to the king. A good many entries in the pipe rolls of Henry II can be found to illustrate this rule: the earliest cited by Madox,⁴ upon whom later commentators have relied, comes from the roll of 1170,⁵ and none earlier can be found. Madox did not, however, notice the references to usurers in earlier pipe rolls. These references are all to living, not to dead, usurers.

The first two appear in the roll of 1165:

Godefridus usurarius de Brideport reddit compotum de x. m. de misericordia. In thesauro xliiii. s. Et debet iii. li. et ix. s. et iii. d.

Radulfus usurarius reddit compotum de xx. m. de misericordia. In thesauro vii. m. Et debet xiii. m.

¹ The three orders stood in a special position in regard to papal taxation from its inception (Lunt, *Taxation of Norwich*, pp. 10, 11, 15, 20, 31, &c.); this suggests that the privileges granted by Adrian were wider than our direct evidence discloses, although they could not of course affect the liability of the orders in the matter of secular penalties or secular taxation. ² pp. 136-8.

³ Liebermann, *Ueber die Leges Edwardi Confessoris*, pp. 106-7; *Gesetze der Angelsachsen*, ii. 740, s.v. *Wucher*; F. Schaub, *Der Kampf gegen den Zinswucher*, p. 125. The only positive evidence adduced in support of this view consists in two entries from the Norman pipe roll of 1184 cited by Madox, *History of Exchequer*, i. 347.

⁴ *Ibid.* p. 346.

⁵ *Pipe Roll*, 16 Hen. II, p. 72.

Of these the former appears to arise out of William fitz John's eyre in Dorset and Somerset.¹ The second appears to arise out of an eyre in Sussex.²

The next entry, in the roll of 1166, refers to a fine inflicted upon one among the other men of Lynn at a special session held by Earl Geoffrey and Richard de Luci. 'Terri usurarius reddit compotum de dimidia m. In thesauro iii. s. et iii. d. Et debet iii. s. et iii. d.'³

The last entry relates to the assessment, in the roll of 1169, of the burgesses of Gloucester for the aid *pur fille marier*: 'Turgiua feneratrix reddit compotum de i. m. de eodem auxilio. In thesauro v. d. Et debet xii. s. et xi. d.'⁴

It is clear that, of these four entries, the two latter do not imply any penalty for the practice of usury: they rather suggest, indeed, that the occupation was one that might be freely practised in places of trade. The two former are perhaps consistent with penalties inflicted for usury; and there is something to be said in favour of such a hypothesis, for we know that not very long before Richard de Luci had inhibited John Belmeis, recently appointed bishop of Poitiers, from hearing cases involving accusations of usury and had claimed for the king jurisdiction in such causes.⁵ But, however that may be, not one of these earlier pipe-roll entries can arise out of the law expounded in the *Dialogus*.

From the year 1170 onwards there is a tenuous, uncertain stream of cases⁶ which do seem to arise from the rule that the king is to have the chattels of a usurer when he is dead. And in a recently discovered return to the Inquest of Sheriffs we have a reference to Alfred Bere, a reputed usurer, who was drowned in the Severn and whose chattels were seized by the sheriff's officer.⁷ This incident could not, of course, have happened sooner than 1166. The indications are, then, that the law was newly introduced about the year 1170.

The law can never have been enforced at all generally. Twenty-two cases seem to be recorded in the pipe rolls in the twenty-three years 1170-92; or much about the same number as are to be found in a single Norman pipe roll.⁸ If we make a list

¹ *Pipe Roll, 11 Hen. II.* p. 65; *supra*, p. 325, n. 7.

² *Ibid.* p. 92: I have not traced any indication of the justice concerned.

³ *Pipe Roll, 12 Hen. II.* p. 23.

⁴ *Pipe Roll, 15 Hen. II.* p. 119.

⁵ *Materials for the History of Thomas Becket*, v. 37 ff.; this is in July 1163.

⁶ *Pipe Roll, 16 Hen. II.* p. 72; *17 Hen. II.* p. 95; *22 Hen. II.* p. 118; *24 Hen. II.* p. 10; *25 Hen. II.* p. 23; *26 Hen. II.* pp. 86, 87; *28 Hen. II.* p. 145; *29 Hen. II.* p. 40; *30 Hen. II.* p. 89; *31 Hen. II.* pp. 59, 170, 233; *32 Hen. II.* p. 181; *33 Hen. II.* pp. 119, 126, 155; *34 Hen. II.* pp. 103, 161; *1 Ric. I.* pp. 110, 179; *4 Ric. I.* p. 273. These appear to be all the cases in the rolls yet printed: only the original entries are, of course, cited.

⁷ *Ante*, xxxix. 83. The receipts cannot be traced on the pipe rolls: presumably they did not reach the exchequer.

⁸ I calculate the numbers to be as follows: 20 in roll of 1180, 19 in roll of 1195,

of the English counties¹ where usurers died whose chattels profited the exchequer, we shall notice some significant exceptions. For example, nothing is recorded from London and the London district or from East Anglia. In London we have evidence even in the twelfth century that living usurers were punished in the city courts: the exchequer profited from an escheat arising in this way while Richard fitz Neal was treasurer.² And in East Anglia not only have we the well-known case of Hamo Blund to tell us that the king did not invariably dispose of the chattels of dead usurers,³ but in the thirteenth and fourteenth centuries we find cases of usury coming regularly before local civil courts.⁴ This local jurisdiction, which we find elsewhere in England in these centuries,⁵ must have cut right across the claim of the Church to jurisdiction over living usurers, and must also have reduced the number of cases in which the exchequer profited on the death of a usurer. Incidentally we may note that the author of the laws of Edward the Confessor, who was writing before the middle of the twelfth century, seems to have known of a law under which usurers were punished by the civil courts: ⁶ he certainly shows no trace of any knowledge of the law set forth in the *Dialogus*.

We are probably justified, then, in believing that the law known to Richard fitz Neal, which is substantially also that taught in the law book that goes under Glanville's name,⁷ is an enacted law coming from the reign of Henry II, about the year 1170, the result

25 in roll of 1198; there are 10 in the fragments of 1184. A few entries are undoubtedly carried over from previous years; but with this discontinuous series we have not, of course, the same means of checking as with the English series.

¹ Berks., Cornwall (4 cases), Essex, Hants, Huntingdon, Kent, Lincoln, Northampton, Oxford (2 cases), Somerset, Sussex, Warwick (3 cases), Wilts., York (3 cases).

² Ralf Buscy, a usurer, whose land, in accordance with city custom, escheated to the king is mentioned in the extract from the eyre roll of 5-10 Henry III sewn to Coram Rege Roll, no. 199, m. 90 d. This incident is stated to have happened under Richard I; but the true date appears to be 1183 and the usurer's name Ralf Buscell (*Pipe Roll, 31 Hen. II, p. 222*). His lands can be traced in successive pipe rolls until 1200, when they were regranted to his daughter, after an inquest in the Husting, in consideration of a fine of 40 marks and 2 palfreys (*Pipe Roll, no. 46, m. 11*).

³ Hamo Blund, a suspected usurer, died intestate in 1197; Abbot Samson distributed his property as he thought fit (*Memorials of St. Edmund's Abbey* (Rolls Series), i. 293).

⁴ Hudson, *Leet Jurisdiction in Norwich* (Selden Society), pp. 35, 36; *Hist. MSS. Commission, Report on Lothian MSS.*, pp. 26, 27 (manor of Blickling).

⁵ e.g. in Kent, *Rotuli Hundredorum*, i. 209, 217, 225, 226.

⁶ *Leges Edwardi Confessoris*, c. 37: 'et si aliquis inde probatus esset, omnes possessiones suas perderet et pro exlege haberetur'. This passage cannot be wholly imaginative fiction as Liebermann supposes (*Ueber die Leges Edwardi Confessoris*, p. 39).

⁷ *Tractatus de Legibus*, lib. vii, c. 16. I need not discuss here the differences in the two statements of the law. I may note, however, that the *Dialogus*, in speaking of the heir's enjoying his father's estate and immovable property, is in agreement with the oldest statement of Norman law: see Tardif, *Le très ancien Coutumier de Normandie*, i. 40 (c. xlix).

possibly of a compromise with the Church. We have still to ask why so considerable a space should be devoted in the *Dialogus* to a matter concerning so insignificant an item of revenue in England. The reply must be, I suggest, that this passage in the *Dialogus* is born of the controversies in the continental dominions of the English king. We have seen Richard de Luci interfering with the bishop of Poitiers' jurisdiction in cases of usury. In Normandy the law, which brought in a considerable revenue to the exchequer, was the subject of serious controversy, which in 1190 was settled in favour of the Church.¹ Three points appear to have been in dispute: the Norman clergy claimed that the goods of usurious clerks were exempt from secular jurisdiction, that gifts made by usurious laymen in their lifetime should not be revoked after their death, and that, when a mortgagee was at the time of his death in possession of property the profits from which had repaid the loan, the gage should return to the mortgagor or his heirs and should not be seized by the Crown. To the first and third of these points the *Dialogus* devotes special attention: the claim of the king to the goods of usurious clerks is elaborately defended; as regards the king's claim to mortgaged property it is explained that, as a rule, this is not pressed to the full. There seems reason to believe, therefore, that the passage in the *Dialogus* reflects this controversy; but the controversy can hardly have excited more than an academic interest in England, where there was very little occasion for dispute. All the more difficult is it to believe that this passage was written by 1179 when half a dozen cases or so had come to the notice of the exchequer. We must, I suggest, suppose that the discussion of the law of usury was introduced into the text of the *Dialogus* not long before 1190, and that its origin is to be sought, not in the practice of the English exchequer, but in current debate or in public documents which came to the notice of the author.²

5. *The Writing of the 'Dialogus'*

There can be no doubt that the original intention of the author was to stage his dialogue all in one day. Let us recall that the scene opens in a tower by the river Thames where a junior officer of the exchequer is seeking instruction from his senior.³ At the beginning of the second book the student speaks of approaching

¹ R. de Diceto, *Ymagines Histor.*, ii, 86 ff.; Bessin, *Concilia Rotomagensis Provinciae*, p. 100: the relevant paragraphs are the 6th, 7th, and 8th.

² Richard fitz Neal's description of his *Tricolumnis* shows that he collected documents of this kind. I make the suggestion below (p. 340) that he continued his compilation until quite late in Henry II's reign. It is, indeed, almost inconceivable that he would have ceased to add to his collection of state papers so long as he was actively employed at the exchequer: in any case he would have had access to those in the treasury.

³ *Dialogus*, p. 59.

evening,¹ and with nightfall and the promise by the instructor of another disputation on another day the dialogue closes.²

The author was careful to select a precise year—the twenty-third of Henry II—for his imaginary dialogue: that he had a reason we may be sure, even if we cannot fathom it; and neither when contriving nor when filling in the framework of his book is he likely to have forgotten the date he had fixed upon. It is almost inconceivable, therefore, that in its original form the book should have contained passages obviously inconsistent with the author's chosen date, for example, that referring to an incident in the autumn of 1178.³ If, however, we examine with care this passage explaining the rule made (as it is said) in the Michaelmas term of the twenty-fourth year, we can hardly doubt that the whole of the passage is an interpolation, although it does not seem hitherto to have excited particular suspicion.⁴

The passage is embedded in a well-marked section of the *Dialogus* dealing with the privileges of those who have the 'libertas sedendi ad scaccarium'.⁵ With this section remissions to religious orders have nothing to do, the only point in common being a method of entering up the roll. Nothing is lost to the section by the exclusion of this passage; on the other hand, the interrupted sense is restored.

The passage expounding the law of usury seems an equally obvious interpolation, although it has a more direct relation to the subject of the section in which it appears, one dealing with escheats. The discussion⁶ has turned on a third class of escheats, namely, those arising from the commission of crime, and the instructor has stated that the chattels of a criminal accrue to the exchequer while his lands escheat to his lord: the student questions the justice of this rule and learns the explanation. In the text as it has come down to us, the passage concerning usury is thrust clumsily into the middle of the argument. Once this passage is removed⁷ the discussion will be found to proceed in orderly and uninterrupted fashion.

We have therefore a good literary argument to support the

¹ *Ibid.* p. 112.

² *Ibid.* p. 160.

³ *Ibid.* p. 98; *supra*, pp. 321 ff.

⁴ It is not bracketed in the Oxford edition, and it seems to have been generally accepted as original by those who have discussed the date of the *Dialogus*. Dr. Poole, however, seems to have thought that it might be 'a later insertion' (*The Exchequer in the Twelfth Century*, p. 8).

⁵ This section begins: 'Nunc que sunt eorum iura vel dignitates ratione sessionis ad scaccarium ostendemus' (p. 93), and ends: 'Hactenus de dignitatibus residencium ad scaccarium', &c. (p. 106).

⁶ Beginning at p. 135, l. 25.

⁷ I incline to exclude also the sentence 'Sic et thesaurus . . . inuentus' which precedes the passage on usury. The text then would read (pp. 136, 138): 'Hec sunt, frater, quorum supra meminimus, que ad scaccarium a vicecomite deferenda et soluenda sunt, etiam si summonitio nulla precesserit. Sunt et pleraque alia, que singulariter ad fiscum pertinent', &c.

historical arguments set out above for excluding from the primitive text of the *Dialogus* these two passages relating to remissions to religious orders, and to usury. The difficulty of retaining other passages has been evident for a long time, and the Oxford editors bracketed as interpolations considerable portions of the text.¹ Opinion has differed with regard to some suspicious passages, but it is unlikely that any one would accept the text of the earliest manuscripts as representing the work of Richard fitz Neal in its integrity. It is the fate of official manuals such as the *Dialogus*, as it is the fate of law-books, to suffer interpolation and commentary, which by successive copyings find their place in the text.

Some of the interpolations it seems impossible to attribute to Richard fitz Neal. The Oxford editors have stigmatized as coming from another hand the passage that asserts that blanch farm is not mentioned in Domesday Book.² Their judgement on this point has been questioned,³ but the passage must be regarded as highly suspicious. Again, they have rejected the chapter headings and the tables prefixed to the two books into which the *Dialogus* is divided.⁴ This opinion also has not passed unchallenged:⁵ but although the chapter headings may preserve original marginal rubrics, internal evidence seems to be strongly against the chapter divisions, which are arbitrary and illogical.⁶ It is perhaps possible that the passages relating to remissions to religious orders and to usury are also by another hand, but the probabilities point to their having been written either by Richard fitz Neal himself or by his direction. It has been shown that the former passage must have been written before Michaelmas 1189,⁷ and the latter passage must, it would seem, have been written not later than 1190.⁸ We can hardly go wrong in supposing them both to have been composed while Richard was still actively engaged at the exchequer, and to be the product of an attempt, never carried to completion, of revising the treatise.

¹ *Dialogus*, Introduction, p. 8.

² *Ibid.* pp. 33, 67.

³ Poole, *The Exchequer in the Twelfth Century*, pp. 61, 62.

⁴ *Dialogus*, pp. 8, 57, 109.

⁵ Poole, *op. cit.* pp. 12, 13.

⁶ Other sections, besides that dealing with the 'libertas sedendi ad scaccarium' noticed above (p. 337, n. 5), are well marked. That section is followed by another beginning (*Dialogus*, p. 106), 'Nunc igitur ad alia currentem calamum conuertamus', and continuing to the end of book i. After a brief prologue book ii commences with a section on *summonitiones*: its beginning is marked by the sentence (p. 112), 'Vt igitur disposite rationis ordini satisfiat, de summonitionibus primo loco dicendum est, ex quibus scilicet, et qualiter, et ad quid fiant . . .', its end by the sentence (p. 120), 'Habes ex predictis, vt credimus, quantum necesse est, ex quibus et qualiter et ad quid summonitiones fiant'. The next section then begins, 'Nunc ad agenda vicecomitis transeamus'. I cannot doubt that in these sections we have the original divisions of the treatise; but they tally in no way with the chapter divisions. It seems to be quite a matter of chance which rubric was hit upon to serve as a chapter heading: that to book i, chapter vi (p. 57) will sufficiently demonstrate the absurdity of the selection. The references to titles, *tituli*, which occur in four places in the text (pp. 83, 101, 126, 132) seem almost certainly to be glosses.

⁷ *Supra*, p. 332.

⁸ *Supra*, p. 336.

No one appears hitherto to have supposed that the text of the *Dialogus* as it has come down to us represents a first edition, consistent in itself, which was subsequently imperfectly revised, at an interval of ten years or so, by the author himself; but this, I would submit, is the conclusion to which we are drawn. We have, of course, to allow for interpolations by other hands, and it may not be a simple matter always to distinguish between the original text and additions from one source or another. There is inevitably a temptation also to explain away contradictions or obscurities by the easy assumption that a later hand has corrupted the primitive unity or clarity of the text; and few passages can be rigorously criticized in the same way as those two which have been particularly selected for examination.

I venture, however, to suggest that there is one important passage—that eulogizing Henry II, mentioning the rebellion of his sons and the eyres arranged at the council of Northampton, and referring to the *Tricolumnis*¹—which may reasonably be excluded from the original version of the *Dialogus* on the ground either that it is an interpolation or that it has been clumsily recast at some later date. It has been supposed that this passage furnishes evidence establishing the date of the completion of the *Dialogus* by the spring of 1179. With the inference that the author was unacquainted with the decisions taken at the council of Windsor in 1179 I have already dealt.² But it has been held that the sentence referring to Henry II's children implies that the younger Henry was still alive.³ It should be noted, however, that, immediately before, those who incited the sons to rebellion have been likened to those who subverted Absalom, and Henry's clemency has been contrasted with David's vengeance.⁴ So ominous a simile can hardly have been employed before the young king's death.⁵

An argument based upon the lack of cohesion between this passage and what precedes and follows it carries perhaps no great weight.⁶ But it is worthy of remark that the eulogy of Henry II cuts abruptly across the exposition and is quite unnecessary to it.⁷

¹ *Dialogus*, p. 117, l. 26, to p. 119, l. 28.

² *Supra*, p. 171.

³ 'Viuat et proles', &c. See Liebermann, *Einleitung*, p. 11, and the editors' note at p. 211 of the Oxford edition.

⁴ 'Subuersores Absalonis' cannot here mean (as the editors seem to suggest, p. 211) 'overthrowers', but 'subverters'. Cf. Ezech. ii. 6: 'quoniam increduli et subuersores sunt tecum': this appears to be the only occurrence of the word in the Vulgate, whence doubtless the author borrowed it. The dictionaries cite Tacitus and Alcimus Avitus for this rare word: by the latter it is used as a synonym for *diabolus*; in the *Dialogus* it appears to be synonymous with *incensor*. The reference is, I take it, quite a vague one to the twenty thousand who perished in the wood of Ephraim and possibly to Amaasa, captain of the host.

⁵ Compare the letter of condolence addressed by Peter of Blois to Henry II; Petri Blesensis *Epistolae*, no. 2: 'Planxit David filium patricidam, Absalon fili mi, fili mi Absalon!'

⁶ Cf. Poole, *The Exchequer in the Twelfth Century*, p. 61.

⁷ Note the curious apology, p. 118: 'Licet hoc ad opus ceptum vel propositum

Further, the subsequent exposition contains a description of the method of entering in the pipe rolls first the names of the justices and then the estreats from the justices' rolls.¹ Now there is no question that this method was devised during Richard fitz Neal's treasurership, that it dates from 1166, and is associated with the Assize of Clarendon.² But if this passage is to be regarded as an integral part of the original text, it would seem that the author believed this method of making up the rolls to have originated with the Assize of Northampton: such a blunder is frankly incredible on the part of the treasurer writing so soon after the event, although a misrepresentation of the kind might be the fruit of imperfect revision some years later. Moreover, if the passage is regarded as a later insertion, it is easier to explain the reference to the *Tricolumnis*, as containing, apparently, a record of the acts of the king up to quite a late date in his reign, while earlier in the *Dialogus* it had been spoken of as a work of the author's youth.³ The later reference would be to this compilation after it had received the additions of a good many years.

Obviously written before Henry II's death by a fervent admirer, this eulogy can only have been composed before any one could guess that the great king's reign would end in disaster and shame. But to well-wishers in England the final catastrophe must have been as unexpected as it was shocking. We seem to catch a hint of the king's advancing years in the writer's wishes for his long life and heavenly grace: 'Vivat igitur in longa tempora rex ille gloriosus et felix, et pro impensa gratia, gratiam mereatur ab alto.' There seems no reason why the passage in its present form should not have been written even in the last year of Henry's life: and I incline to regard it, with the passages on remissions to religious orders and on usury, as the product of a revision attempted perhaps as late as 1189 (and in any case not more than a year or two before), and finally abandoned on Richard fitz Neal's elevation to the see of London and his partial withdrawal from active work at the exchequer.

That the original version was written in the late seventies there can be no doubt. The staging of the dialogue implies this: moreover, it is highly unlikely that Richard of Ilchester would be described as the archdeacon of Poitiers, now bishop of Winchester,⁴ many years after his consecration in 1174. H. G. RICHARDSON.

non attineant, memor tamen regis illius magnanimi cum pace mee mentis hiis super-sedere non valui.' Note also that the explanation, promised at p. 117, ll. 23-5, of how debts arise in respect of which a summons is made out is contained in the passage at p. 119, ll. 28 ff. beginning, 'Porro pecunarie delinquentium pene'. Nothing is lost to the argument by omitting the whole of the intermediate passage. ¹ p. 120.

² *Pipe Roll, 12 Hen. II*, pp. 7, 14, 30, &c., and see Stubbs's Preface to this roll.

³ p. 77: see the Introduction, p. 11; Stubbs, *Gesta Regis Henrici Secundi*, i. lx; Liebermann, *Einleitung*, p. 68.

⁴ *Dialogus*, pp. 69, 117.

Tenure in Frank Almoign and Secular Services

FRANK almoign is often treated in a summary fashion as the tenure by which religious houses and churches held their lands free from all secular burdens. But while many grants in frank almoign were made on these terms, others arranged for the payment of services which did not differ greatly from those owed by lay tenants. Moreover, tenants in frank almoign were subjected to royal demands for money and service which were similar to those made on military tenants. Maitland in his brief but excellent chapter on frank almoign in the *History of English Law*¹ has suggested that complete freedom from secular burdens was not a characteristic feature of this tenure ; but he has not dealt with the question at length, and sufficient attention does not seem to have been paid to his remarks. By a more detailed examination of legal records and actual charters of grant it will be possible to discover exactly what secular services might be imposed on frank almoign tenants, and what was the chief characteristic of the tenure if it was not freedom from secular demands.

This question of the secular services demanded from frank almoign tenants may be best considered from two points of view : first, there are the services which were due because of the terms of a grant between a lord and his tenant ; and secondly, there are the demands made by the king which, while they fell mainly on his tenants-in-chief, were different from the demands made by a mesne lord on his tenants. Because the services due to a lord by a tenant in frank almoign were a matter of legal as well as practical importance, information regarding them may be found not only in charters of grant but also in judicial pleadings and in Bracton's *De Legibus Angliae*. It is, therefore, necessary to examine first the theory about these services as it was evolved by the lawyers, and then by a study of the charters to determine whether it held in practice.

Although this tenure was common in England after the beginning of the twelfth century, no legal definition of it occurs until

¹ Pollock and Maitland, *History of English Law*, 2nd edn., i. 240 *seq.*

1219, when in a judgement ¹ in the king's court a distinction was made between grants in free alms and grants in pure alms on the basis of the services which might be due: 'cum quidem plures terre date sint in elemosinam ecclesiis, quarum quedam date sunt in liberam puram et perpetuam elemosinam, ille scilicet que nullum faciunt seruicium quod ad terram illam pertinet.' Evidently the king's court considered that there were two types of frank almoign; if land were given in 'free alms' some service could be exacted, but if it were given in 'free, pure, and perpetual alms' none could be due. At the outset this definition of the tenure appears to be very clear and to the point, but the words 'seruicium quod ad terram illam pertinet' are open to two interpretations. All land held under any form of feudal tenure, save only the king's demesne and that of his tenants-in-chief, might be liable for two kinds of service, forinsec service and intrinsec service. The former was incumbent on all lands of a tenant-in-chief because of his agreement with the king, and the latter was the service owed by each person in the feudal scale to his immediate lord as a result of the terms of his tenure.² The service which was intrinsec as between a lord and his vassal became forinsec for the tenants of this vassal and those under them. The incidence of this forinsec service might be arranged between any lord and his vassal, but it was always understood that, if the service were not forthcoming, the king or the lord to whom it was due might distrain on the actual land in order to enforce its performance. The lowest tenant in the feudal scale, the man who actually occupied the land as demesne, might then sue his lord by a writ of mesne. This process would be continued until the action reached the person who had failed in the performance of the service.³ What must be determined here is: which of these services was meant by 'the service which pertained to the land'. At first sight the phrase might appear to refer to the forinsec service which was incumbent on practically all land. If this interpretation is accepted, the result to the king and the superior lords must be considered. If their under-tenants made grants in free, pure, and perpetual alms it would mean that, without any voice in the matter, the king and others would lose certain rights and services. But feudal law did not permit a sub-tenant to grant away what belonged to his lord in such a casual fashion. It must, therefore, be the intrinsec service to which this statement refers. The interpretation of it would then be that, as a result of a grant in free, pure, and perpetual alms, no service would be due from the donee to the donor, whereas if the grant had been made in free alms some service might be due. Unless the donor had agreed to be responsible for

¹ *Bracton's Note Book*, pl. 21.

² Pollock and Maitland, 2nd edn., i. 238.

³ *Ibid.* pp. 237-9.

it, land given in either kind of alms was always liable for forinsec service.

Bracton himself, in his *De Legibus Angliae*,¹ draws this same distinction between the two types of frank almoign : 'Poterit etiam fieri donatio in liberam elemosinam, sicut ecclesiis cathedralibus, conventualibus, parochialibus, viris religiosis, et quandoque in liberam elemosinam et perpetuam : et quo casu non excusatur ille qui accipit a praestatione servitii. Si autem fiat donatio in liberam, puram, et perpetuam elemosinam, excusatur.' In speaking of the ability of the donor to give land he says : 'alienum autem servitium per talem donationem tollere non potuit nec minuire, nisi hoc specialiter in se susciperet alterius domini voluntate cum warantia et de defensione.' Later on Bracton² treats of the possibility of a gift being made in 'pure alms' for a service.

Et quid si donator contrarius sit sibi in donatione ? Ut si dicat, Do tali talem rem in liberam, puram, et perpetuam elemosinam, faciendo inde tale servitium. Et quo casu libera et pura non potuit esse elemosina cum sit servitio obligata. Videtur igitur, sine praeiudicio melioris sententiae, quod contra donatorium debeat interpretari, ex quo scienter in carta sua voluit ad servitium obligari.

To sum up briefly Bracton's theory, it is this : land may be granted in free, or free and perpetual alms for a service due to the donor, or in free, pure, and perpetual alms for no such service. If any is imposed in the latter the grant is contradictory in its terms, but nevertheless the service must be performed. In making a grant no man may give quitance of service which is not owed to himself, unless he has previously made arrangement regarding its incidence with the person to whom it is due.

These statements as made by Bracton are most definite and concise, and seem to have been fairly applicable to existing conditions. The ideas of the fourteenth century, however, as expressed in the Year Books are more theoretical and bear much less relation to the actual facts, which could not have changed greatly during the period between the time of Bracton and the reign of Edward I. No doubt this change in the theory of frank almoign was in part due to the fact that by the fourteenth century this tenure had ceased to grow and was diminishing in importance,³ because of the limits which had been put on new grants in it by the statutes *De Religiosis* (1279) and *Quia Emptores* (1290). The following quotations from the Year Books will give an idea of the opinions of the lawyers of the early fourteenth century :

Bereford : When I enfeoff you in pure and perpetual alms what do I reserve for myself ? I bar myself from all kinds of services and customs.⁴

¹ Fo. 27b (Woodbine edition).

² Fo. 48.

³ Holdsworth, *History of English Law*, iii. 36-7.

⁴ *Year Book (Rolls Series)*, 33-5 Edw. I, p. 206 (1306).

The avowant: For your charter supposeth that you are a tenant in frankalmoigne, which excludeth all manner of services.¹

Stonere: . . . and in frankalmoign there is no outward service such as homage or other services which would afford the means of being noticed by the country.²

Willoughby: . . . because frank-almoign is quit of all manner of service.³

Frank almoign lands were apparently no longer, as in the time of Bracton, distinguishable among themselves by the services which were owed for them. Whether 'free, pure, and perpetual' or only 'free' they all seem to have been considered by the lawyers to owe no secular service. Presumably, as in the thirteenth century, it is the intrinsic service to which reference is made, because the statute of *Quia Emptores* had been passed in order to safeguard the rights of lords against losses due to alienation. It must be remembered that we are dealing here with legal theory rather than the actual grants themselves: it cannot be supposed that the facts, such as the rights of the king and the overlords, would have changed much in the period between Bracton and the Year Books. It is difficult to determine the exact effect of this fourteenth-century theory that all frank almoign lands were free from the burden of intrinsic service. Certainly it is much more abstract and has less basis in fact than that found in Bracton; nor is it possible to suppose that it can imply a change in the terms of the grants themselves. Does this legal theory mean that, regardless of what may have been the terms of any definite charter as held by a particular religious house, before the law all tenants in frank almoign were equal in that they were quit of all secular burdens to the immediate lord? Unfortunately, none of the cases in the Year Books arise out of any direct demand for secular service from lands held in frank almoign. It is, therefore, impossible to test a practical application of this theory. In view of the general policy pursued by Edward I it cannot be believed that such a theory changed the obligations of tenants in frank almoign. On the other hand, it is possible that, with the development of the common law as a definite system, it became necessary to formulate definitions of tenure which were more theoretical than practical.

By an examination of the terms of actual grants in frank almoign it will be possible to determine whether or not these lands were charged with secular service, and to test the practical validity of the legal distinction between 'free alms' and 'free, pure, and perpetual alms'. A grant in frank almoign is indicated by the words *in elemosinam*, with which generally occur, in various combinations, the three adjectives, *libera*, *pura*, and *perpetua*. There

¹ *Year Book (Seld. Soc.)* 6-7 Edw. II, p. 12 (1313).

² *Year Book (Rolls Series)* 13-14 Edw. III, p. 262 (1339-40).

³ *Ibid.* 14 Edw. III, p. 310 (1340).

may then follow few or many phrases which further emphasize the freedom of the gift and specify either the service to be paid or the extent of the quittance from service. These grants do not lend themselves to concise treatment, because not only is the method of expression varied, but also they contain very different specifications with regard to service. Classification for the purpose of determining the nature and incidence of service is consequently difficult. It may be made as by Bracton on the basis of the inclusion or omission of the adjective *pura* as applied to *elemosina*. Grants may also be divided into those which do not make specific mention of any service, and those which do. This last class may be further subdivided into those which provide quittance of the service mentioned, and those which do not; or they may be arranged on the basis of the nature of the service exacted or acquitted, i. e. whether it is forinsec or intrinsec. Since our present object, in addition to determining what form of service was owed by frank almoign lands, is to find out whether Bracton's distinction between 'free' and 'pure' held in practice, it will be best to consider, first the grants in which specification is made regarding forinsec service, and then those in which it is made regarding intrinsec service, in the latter instance distinguishing between grants in free alms and grants in pure alms. Such a classification omits those grants which were made either without mention of any service or else with a general but unspecified quittance. These grants, while numerous, are lacking in exact information and so afford no help in the solution of the problems in hand.

Grants which contain provisions regarding forinsec service are fewer in number than grants of other types. A partial explanation of this fact is that no royal gifts could possibly fall into this class because any service imposed by the king on his tenants-in-chief would be intrinsec in respect to them. Grants dealing with forinsec service either specify its performance or free the donee from any obligation regarding it. As has been said, a donor might give land quit of the burden of forinsec service if he arranged that this service be done by some one else. He might go to the overlord or the king¹ and obtain a release for the particular piece of land from such service, or he might agree to perform the service himself.² A variation of this last method might be employed: the donor would only agree to do the service owed to the lord of the fee implying that any which was due to other persons would still be incumbent on the donee.³ As regards the service due to the king, it is unlikely that a complete release would often have been granted except by royal charter. In the first place, no evidence

¹ *Historia et cartularium monasterii S. Petri Gloucestriae*, i. 109.

² *Rotuli chartarum*, p. 145.

³ *Black Book of St. Augustine*, pt. ii, pp. 391, 404.

of such releases is to be found in either the Close or Patent Rolls ; and probably none but the more important lords would have been in a position to approach the king for such a favour. If a man wished to give land to a religious house quit of all service due to the overlords and to the king he probably arranged to perform such service himself or to place the burden of it on other lands.¹

Although these charters which place the incidence of the forinsec service elsewhere than on lands granted in frank almoign do occur, they are not as common as those which especially state that the donee was liable for it. This service might be due to the king² or to the lord of the fee.³ It might be converted into a money payment⁴ or the actual military service might be owed.⁵ Sometimes a charter merely stipulated that the donee was to do the forinsec service ' which pertained to the land ', but a full statement of the contents of this service might be made. For example, the manor of Sandford was given to the Templars ' in free and perpetual alms ', ' faciendo inde forinsecum servitium capitalibus dominis illius feodi quantum pertinet ad illam terram '. When, however, the lord of the fee confirmed this grant he was careful to put in his charter the details of this service : ' faciendo inde mihi et heredibus meis forinsecum servitium quantum pertinet ad feudum unius militis sive scutagium et custodiam de Windleshor pro omnibus serviciis sectis consuetudinibus et demandis. ' ⁶ As in this grant it was very common to allow quittance of other burdens, leaving on the donee only the obligation of forinsec service. The forinsec service due to the king might also take the form of military service or scutage, and such a service might be charged on lands granted in pure alms.⁷

From this examination of the grants which make some provision regarding forinsec service it is evident that all lands granted in frank almoign were not *ipso facto* quit of it. The difficulty which arises is that of knowing how much account must be taken of the negative evidence of the charters which say nothing about the payment of forinsec service. No doubt from many of the lands so granted such a service was due or provided for : the fact that in some charters it was considered necessary to specify quittance shows that unless this had been done such service could probably have been claimed. At any rate, if the theory as stated by Bracton was not always borne out in practice, it would seem probable that it was in the majority of cases. The question is of importance because it is so often thought that grants in frank almoign by

¹ *Calendar of Charter Rolls*, ii. 449, no. 11.

² *Ibid.* p. 420.

³ *Black Book of St. Augustine*, pt. ii, p. 564.

⁴ *Chronica monasterii de Melsa*, ii. 109.

⁵ *Cal. Charter Rolls*, ii. 449.

⁶ Bodl. Wood MS. 10 (Sandford cartulary), fo. 2.

⁷ *Placitorum Abbreviatio*, p. 98.

under-tenants meant a loss of service to the king. It may be that such a loss resulted, but it does not seem to have been due to the failure of proper provision for the payment of this service.

Intrinsic service was very frequently exacted by grantors in frank almoign, and it most generally took the form of a money rent or a payment of pepper, cumin, or a rose.¹ I have found only one charter which provided for the performance of military service as intrinsic service from frank almoign land.² A grant on such terms would almost seem to have been a grant by military tenure in spite of the wording of the charter. The most important point to note with regard to intrinsic service is that we find it exacted from lands granted in 'pure alms'³ just as it was from those granted in 'free alms'. Moreover, this circumstance occurs with sufficient frequency to make it unlikely that we are dealing here with isolated instances which are exceptions to a general rule. It would seem that, although, according to Bracton, such grants were contradictory in theory, yet in practice they were often made. It is probable that gifts made in 'free alms' were more often charged with intrinsic service than were gifts in 'pure alms', and that consequently there developed the legal theory that gifts made in 'pure alms' were quit of secular service in contrast to gifts in 'free alms' which were not. This was, however, no hard and fast rule, and a gift in 'pure alms' with a service attached was not an uncommon occurrence.

From this investigation into the services which might be due from lands held in frank almoign it would seem that, while the old conception that complete quittance from secular service was a characteristic feature of this tenure has proved incorrect, no new formula has been found to take its place. To a certain extent this is true, for, from the point of view of the secular service which was owed from them, many grants in frank almoign cannot have differed greatly, if at all, from grants in socage.⁴ A tenant in socage would owe forinsec service and he would pay a money rent to his lord; but so might a tenant in frank almoign. While many grants in frank almoign did convey quittances which would differentiate the tenure so created from socage tenure, the same is not true of them all. It is clear then that it is not always possible to distinguish between grants in frank almoign and grants in socage on the basis of their provisions regarding secular service, or, in other words,

¹ *Cal. Charter Rolls*, i. 2, 257, iii. 152, no. 25, 483; *Cartularium monasterii de Rameseia*, ii. 283-4, no. ccccv; *Madox, Formulæ Anglicanæ*, p. 223, no. cccclxx.

² *Dugdale, Monasticon*, v. 620, no. 1: 'in liberam et perpetuam elemosinam, . . . faciendo inde nobis et hæredibus nostris servicium medietatis feodi unius militis, pro omni servitio.' It is remarkable that this is a royal charter.

³ *Historia et cartularium monasterii S. Petri Gloucestriae*, ii. 297, no. dcccvi; *Plac. Ab.* p. 98.

⁴ *Pollock and Maitland*, 2nd edn., i. 291 *seq.*

that from the point of view of secular service, frank almoign was not a tenurial unit. If, however, frank almoign is to be considered as a separate and distinct tenure—and there is no doubt that it was so considered in the middle ages—wherein does its essence lie? It is to be found in the indefinite spiritual service which every frank almoign tenant was expected to perform.¹ Gifts made in this tenure were really made to God for the salvation of the donor's soul, and this salvation was to be aided by the prayers of the donee. Frank almoign had, therefore, as its chief characteristic the obligation of indefinite spiritual service, and it is this which distinguished it from the lay tenures. No doubt the ideal gift in frank almoign carried with it complete quittance from secular burdens, and many actual gifts gave this quittance to a greater or less degree; but even a gift which exacted the fullest possible amount of secular service could still be made in frank almoign, if it were made to God for the salvation of the donor's soul.

There remain to be considered the demands for service which were made by the Crown on frank almoign tenants. Miss Chew² has shown that the list of ecclesiastical tenants who held of the Crown in the thirteenth and fourteenth centuries by knight's service had remained practically as it was fixed by William the Conqueror.³ This being the case, it is rather surprising to find that demands for military service, scutage, and other incidents of military tenure were made on ecclesiastical tenants whose names are not to be found on this list and who held in frank almoign. It would be expected that such demands would only have been made on religious tenants holding by military service or on mesne tenants who might be liable for them as forinsec service.

In order to determine something more in detail about these various demands it is necessary to investigate them separately. The list of tenants who received writs of military summons, as compiled by Miss Chew, shows that these summons were issued frequently and to a varied group of ecclesiastical tenants. If such a tenant failed to respond by a fulfilment of the conditions imposed in the summons, he was obliged to answer to the king for this failure, although in result he might well be acquitted of service.⁴ Surely the chancery must have known fairly soon,⁵ if not at the beginning of the issue of these writs, that a tenant held in pure and perpetual alms and owed no such service; the very

¹ Pollock and Maitland, 2nd edn., i. 241.

² *Ante*, xli, *The ecclesiastical tenants-in-chief and writs of military summons*, pp. 161 *seqq.*

³ Round, *Feudal England*, pp. 249 *seqq.*

⁴ See the successful defence made by the abbess of Barking; Miss Chew's article, *ante*, xli. 166-7.

⁵ Round, *Feudal England*, p. 285.

frequency of the summons shows that they cannot have been due to clerical errors.

These direct demands for military service made on particular frank almoign tenants do not differ greatly from those of a more general nature which seem to have been made regardless of the status of those to whom they were addressed. Many frank almoign tenants must have been included in the order of 1300¹ that all men who held land to the value of £40 and upwards were to perform military service against the Scots. In 1322² among those to whom writs were issued which ordered the recipients to furnish to the king as many soldiers as possible was the abbot of Battle,³ who is definitely known to have held no land of the Crown by military service. Whether or not religious houses holding in frank almoign replied to these demands with the desired service, it is interesting to notice that such demands were made upon them.

Closely allied to the demand for military service was that for the payment of scutage. Since this payment by its very nature pertained to military service, it would not be expected that it would have been exacted from tenants in frank almoign except as forinsec service. Demands for it were, however, made on these tenants, but they were often able to obtain quittance of its payment. Frequently it happened that the sheriff distrained on the land of a religious house and so forced the abbot to come to the exchequer, armed with his royal charters to claim exemption, which was granted because the land was held in free, pure, and perpetual alms.⁴ Similarly religious houses which were mesne tenants of the Crown were allowed exemption from the payment of scutage, if they could produce at the exchequer charters of lesser lords which would prove that their tenure was that of alms rather than military service.⁵ In such a case it would seem that the scutage, if really owed, was probably forinsec service, and that the tenant might be liable for it by the terms of his charter of gift: the plea cited, however, contains no information to this effect. No doubt, as suggested by Madox,⁶ such a quittance would only be allowed when the lord of the religious house had other land upon which distraint for this payment might be made. Moreover, a religious house holding by military tenure might be granted quittance for a particular manor because it was held in free, pure, and perpetual alms.⁷ And the bishop of Exeter was allowed to hold certain lands 'in alms, quit of scutage . . . saving to the

¹ *Parliamentary Writs*, i. 335.

² *Ibid.* vol. ii, pt. ii, pp. 549-50.

³ *Red Book of the Exchequer*, pt. i, p. 6.

⁴ Exch. Mem. Roll, L. T. R., no. 77, Communia Brevia, Michaelmas, m. 7 d, 8; Trinity, m. 51; *Close Rolls 1242-7*, p. 403.

⁵ Exch. Mem. Roll, L. T. R., no. 77, Communia Hilary, m. 9.

⁶ *History and Antiquities of the Exchequer*, i. 671, notes g and h; 672, note i.

⁷ *Litterae Cantuarienses*, ii. 236-8, nos. 702, 703.

king that the said bishop and his successors shall perform the services due from the barony and other lands belonging to the bishopric'.¹ Clearly a tenant in frank almoign could obtain exemption from the payment of scutage unless it were owed by him as forinsec service, but he was often put to the trouble of proving his right to this exemption at the exchequer. Non-military tenants were, however, expected to make contributions to the king's military expeditions which were known as *dona*.² While in theory these *dona* were voluntary gifts, they were in reality practically compulsory.³ The evidence of the rolls shows that frank almoign tenants of the Crown, such as the abbeys of Gloucester⁴ and Battle,⁵ were in the habit of making these 'voluntary' gifts to the king.⁶

As in the case of scutage, so also when an aid was demanded for knighting the king's eldest son or marrying his eldest daughter, a tenant might claim exemption on the score of his tenure. Many such pleas were received at the exchequer and quittance granted because of tenure:⁷ in making up the exchequer accounts it was recorded that allowance had been made for certain religious houses who had obtained quittance through royal writ.⁸ Although it is evident that tenants holding in frank almoign need not and did not pay these aids, yet, as in the case of a military aid, the king asked for and obtained corresponding payments from them. In 1245 Henry III sent the following writ:⁹ 'To all abbots and priors of the county, &c. who do not hold by knight service. As the archbishops, &c. who hold by knight service are making the king an aid for the marriage of his eldest daughter, and they are bound to make the king a like subsidy, the king is sending to them . . . with the sheriff requesting them to grant him an aid, so that at a fitting time he may repay them (*rependere*), and they are to certify the king by these what aid they are thinking of making him.' Moreover, although an aid for the marriage of the king's sister could not be taken as one of the three great aids, it too could be asked as a favour from both tenants by knight's service and others.¹⁰ A request for such an aid was sent to all ecclesiastical tenants in 1233,¹¹ and it was promised that the grant asked for would not be prejudicial to them as a precedent. Similarly in

¹ *Cal. Charter Rolls*, iii. 431.

² Round, *Feudal England*, pp. 276 seq.

³ *Book of Fees*, pt. ii, p. 652.

⁴ *Ibid.* pt. i, p. 51.

⁵ See *supra*, p. 349.

⁶ *Rotuli litterarum clausurarum*, i. 52; *Book of Fees*, pt. ii, pp. 1132, 1134; Madox, *History and Antiquities of the Exchequer*, i. 625.

⁷ Exch. Mem. Roll, L. T. R., no. 77, Brevia Trinity, m. 53 b, 54; See also *Close Rolls*, 1242-7, p. 375; *Furness Coucher Book*, pt. i, pp. 152-7, no. lvi.

⁸ Exch. Mem. Roll, L. T. R., no. 77, Status compotorum, Michaelmas, m. 87; Status et visus, Easter, m. 92.

⁹ *Cal. of Patent Rolls*, 1232-47, p. 463.

¹⁰ *Book of Fees*, pt. i, p. 405.

¹¹ *Cal. of Close Rolls*, 1234-7, p. 187.

1332¹ Edward III sent a personal request for an aid for the marriage of his sister both to religious houses which held by military service and to those which did not. The abbots of Furness, Gloucester, Battle, and Croyland, all non-military tenants, were included in this request. It is not probable that these abbots could claim exemption on the strength of their tenure, since these aids were not feudal aids but, in theory, voluntary contributions requested irrespective of tenure. It is interesting to see that religious houses which owed no service to the king were asked, as well as his military tenants, to grant him aids which, while not tenurial, were analogous to those owed only by military tenants. Another demand to which the non-military tenant was liable was that of tallage; but this, too, did not need to be met if the tenant could prove that he held in frank almoign.²

Suit at court or, in the case of tenants-in-chief, attendance at parliament, was another duty of the tenant to his feudal lord which was imposed both on tenants-in-chief and on sub-tenants³ of the king who held in frank almoign. But here too a tenant in frank almoign might sometimes claim exemption: 'The Abbot of Beaulieu had made supplication that, whereas he holds all lands of the abbey in frank almoign and not by barony or otherwise of the king in chief, whereby he ought not to be summoned to parliaments and councils, and from 1 Edward II he has been unduly summoned, not constantly but intermittently, he may be discharged from attendance.'⁴ This plea, made in 1341, was granted because it was found that the abbot held in frank almoign. But although the abbot of Beaulieu and many others did secure the right to absent themselves from parliament because of their tenure, it is to be doubted whether that was the whole reason why they were allowed to do so. The particular abbots or priors who were granted these releases as cited, i.e. those of Thorney, Spalding, St. Augustine's at Bristol, Leicester, St. James's at Northampton, and Beaulieu, did not represent houses of any great importance. On the other hand, the abbot of Gloucester, who held of the Crown in frank almoign, attended parliament regularly in the reign of Edward III.⁵ Whether or not he would have been allowed to absent himself if he had so desired cannot be said. At any rate he was present, and his presence would seem to indicate that attendance at parliament had become a matter of position⁶ rather than

¹ *Cal. of Close Rolls, 1330-3*, p. 587 *seq.*

² Madox, *History and Antiquities of the Exchequer*, i. 753-4, note n; 745, notes z and a.

³ Prynne, *Register of writs*, i. 142.

⁴ *Cal. Pat. Rolls, 1340-3*, p. 243; see also 1350-4, p. 230; *Reports from the Lords' committee touching the dignity of a peer of the realm, &c.*, app. i, pt. ii, pp. 529, 533.

⁵ *Cal. Pat. Rolls, 1327-30*, p. 506; 1350-4, p. 236.

⁶ For the clergy in parliament in the reign of Edward I, see Pasquet, *An essay on the origins of the House of Commons*, pp. 138-9; Maitland, *Constitutional History of*

tenure. A tenant in frank almoign might claim exemption from attendance on the basis of his tenure, but all tenants-in-chief in frank almoign were not exempt from attendance at parliament because they so held.

The right of distraint, which was the means used by a lord to enforce the performance of the obligations due to him, while not a burden in the same sense as those which have just been discussed, was a burden which any feudal tenant would have been glad to escape. The power of distraint was the right to enforce the render of service or dues by going to the actual land, taking the goods or cattle found thereon, and holding them until the service was performed.¹ Very often distraint would take place not on the demesne land of the defaulter but on that of one of his tenants or under-tenants, who would have to recover by means of an action of mesne against his lord. It is obvious that a religious house, particularly if it were exempt from secular burdens, would strongly object to the inconvenience of this action, even though it had legal means for recovery. As regards royal distraint, a general rule seems to have been made that the king would not distrain on frank almoign land if he could obtain his services by doing so on any other: such a rule was observed by both John and Henry III.² In 1315 Edward II,³ in reply to a complaint, agreed that distraint should not be made on past endowments of churches, but that it might be made on newly purchased ecclesiastical property: presumably this would not be held in frank almoign as the measure is of later date than *Quia Emptores*. This right of freedom from distraint, however, still continued to be disregarded, for in 1330 the monastery of St. Mary's, York, complained⁴ that, because freedom from distraint was not especially mentioned in the charters which granted its lands 'in frank almoign quit of all earthly service', it had suffered from the royal officers. The king, in consideration of a payment of forty marks, was pleased to grant this further quittance. It would seem, then, that distraint on frank almoign lands was not legal, but that it sometimes took place. It would be all very well for an abbot to claim exemption from this burden in the king's court, but in the meantime he would have suffered the inconveniences and perhaps the damages of the action as well as the trouble and expense of making suit for his quittance.

England, pp. 76-7. They express the usual opinion that only those prelates who were barons of the realm came to parliament. If as is usually thought a baron was a military tenant, the presence of the abbot of Gloucester makes it necessary to modify this statement. But see on this point the important study of Miss Chew, *ante*, xli. 161 *seq.*

¹ Pollock and Maitland, i. 353.

² *Rotuli Litterarum Patentium*, p. 52; Madox, *History and Antiquities of the Exchequer*, i. 672, note h; see also Pollock and Maitland, i. 261.

³ *Statutes of the Realm*, i. 172, c. ix.

⁴ *Cal. Charter Rolls*, iv. 197.

In considering these various demands it is evident that a distinction must be drawn between those which were made on the basis of tenure and those which were not. It appears that tenants in frank almoign could and did claim exemption from the payment of military service, scutage, tallage, and aids, from summons to parliament, and from the burden of distraint, if the service was not forinsec, and if the demand had been made because the service was owed. In other words, frank almoign was not liable to the burdens of military tenure unless they were owed as forinsec service. But, on the other hand, if the king sent to his non-military tenants requests, which were practically compulsory, for payments analogous to those demanded on the ground of military tenure, or for some military service which was asked from all men of a certain standing, a plea that the tenant held in frank almoign would probably not have obtained him quittance.

The services which might be owed by frank almoign tenants have been here considered from two points of view ; first, those which might result from agreements between such tenants and their lords, and secondly, those which might be imposed by the king. It is quite clear that secular services were often due from frank almoign lands, and that, while in the minds of the lawyers of the thirteenth century there may have been a distinction between grants in 'free alms' and grants in 'pure alms' based on the obligation of intrinsec service, in practice such a distinction did not exist. Frank almoign tenants were, however, not liable for the services and payments which were owed to the king by his military tenants ; yet, if he requested of them similar services and payments, his requests were generally granted, because, as they were not based on tenure, they could not be refused as not owed. Tenure in frank almoign might, therefore, often closely resemble both socage tenure and tenure by knight's service in respect to the secular services which a tenant holding in it might owe. It was, however, distinguished from the lay tenures by the indefinite spiritual service of prayers which was expected from every frank almoign tenant, because the gift while made to him was made primarily to God.

ELISABETH G. KIMBALL.

The First Anglo-Russian Treaty, 1739-42

ENGLAND had no very close connexion with Russia until the accession of George I compelled British foreign policy to be deflected by the interests of Hanover. In his electoral capacity George I came into rather sharp collision with Peter the Great, and the latter threatened to maim his opponent by giving aid and encouragement to the Jacobites. But after the northern wars had been closed by the treaty of Nystad in 1721, all danger of actual collision passed away, and Great Britain reverted to its normal aim in the north, the maintenance of peace and the promotion of its commerce in the Baltic. For it was as a Baltic power that Russia was primarily regarded in Whitehall. The days had not yet come when it was thought to be our duty to maintain Turkey against Russian encroachments, and the time was still more distant when we looked with alarm at Russia's steady advance in Asia towards the Himalayas. What we had to deal with in the early part of the eighteenth century was the substitution of Russian for Swedish ascendancy in the Baltic. We did not like it at the time, but we failed to prevent it, and after 1721 it became an accomplished fact which could not be undone without a renewal of war in northern Europe. And this, for political and commercial reasons alike, British ministers were anxious to avert.

There were two obvious dangers to the northern peace. One was the natural desire of Sweden to regain its lost dominions, and especially to regain Livonia and those other Baltic provinces which had been seized by Russia. Sweden had been completely beaten since the death of Charles XII, but if the Swedes could recover from their disasters, and could rely upon the whole-hearted support of their old ally, France, they might be once more as formidable as they had been in the seventeenth century. And if Sweden recovered the Baltic provinces, she would certainly call upon Hanover to surrender Bremen and Verden. Thus Britain and Hanover became indirectly associated with Russia in the championship of the *status quo*. It was to the interest of all three states to keep Sweden apart from France and to prevent the establishment of French predominance at Stockholm. They acted successfully together to secure this object during the war of the

Polish succession. France called upon Sweden to restore in Poland the king whom a Swedish monarch had formerly placed on the throne, but Sweden gave no aid, and Stanislas was driven from Warsaw and from Danzig.

The other threat to peace came from the rivalry of Denmark and the house of Holstein. On the pretext that he was the ally of Charles XII, Denmark had despoiled the duke of Holstein of Schleswig and of part of his duchy, and might on provocation attempt to secure its previous gains by annexing the whole of ducal Holstein. On the other hand, the Holsteiner was almost bound, if opportunity offered, to attempt the expulsion of the Danes from his hereditary dominions. True, a duke of Holstein single handed was no match for Denmark. But Duke Charles Frederick, as the son of the elder sister of Charles XII, had a strong claim to the crown of Sweden, and an almost indisputable claim to the succession on the death of his childless uncle by marriage, Frederick of Hesse-Cassel. And his own marriage in 1725 to the elder daughter of Peter I associated him closely with Russia, and gave to their offspring the possibility of succeeding to the immense empire of the tsars. When Charles Frederick died in 1739, he left a son, Charles Peter Ulrich, who was later to be the ill-starred Peter III; an ambitious cousin, married somewhat beneath her rank to a cadet of the house of Anhalt-Zerbst; and her still more ambitious niece, already in her eleventh year dreaming of a fortunate marriage, and destined to be one of the most famous and successful of female rulers, Catherine the Great. For many years there was much combustible material about the house of Holstein, and it required careful watching if a conflagration in the north was to be averted.

During the year 1738 Walpole and his colleagues, after all their boasted abstention from war in 1733-5, began seriously to be alarmed by the situation both in southern and in northern Europe. The war of the Polish succession had immensely increased both the power and the prestige of the two branches of the house of Bourbon. Spain showed its renewed self-confidence by its forcible suppression of the illegal practices of British merchants. The *asiento* and the *navio permiso*, two of the great gains at Utrecht, had already lost much of their value, and were likely soon to be withdrawn altogether. And at the back of Spain was France, once more the dominant power of Europe. French diplomacy was everywhere triumphant. The maritime powers had striven hard to put an end to the Turkish war, in which Austria and Russia were wasting forces that might otherwise have been available to hold France in check. Russia was willing to accept Anglo-Dutch mediation, but Austria, indignant at what it considered the perjured desertion of Great Britain in the late war,

preferred the mediation of France, on the plea that it would be more efficacious at Constantinople. The experiment of joint mediation was doomed to failure, and the astute Villeneuve had no difficulty in ousting his British and Dutch colleagues, Fawkeners and Calkoen, from all share in the negotiations. At last the two governments had to order their representatives to avoid further humiliation by holding aloof. In consequence French influence became preponderant at Vienna, and the emperor negotiated with France about delicate German questions, such as the succession in Jülich and Berg, without consulting George II, either as king or as elector. The 'old system' of an Austrian alliance, which after an interruption Walpole had restored in 1731, seemed to be as near to dissolution as it was after the settlement at Utrecht, with the unpleasing difference that France, which during the previous period of alienation had been the ally of England, would now be on the side of Austria.

Equally disconcerting was the situation in the north of Europe, where St. Séverin, an Italian diplomatist who had entered the service of France, was as successful as Villeneuve in the south. In the diet of 1738 he succeeded in ousting from power the party, led by Count Arvid Horn, which had been inclined to an alliance with England and Russia and to avoid any aggressive action. In its place a ministry was formed under Gyllenborg which looked to France for aid in the reconquest of Livonia. British ministers instructed their resident at St. Petersburg, Claudius Rondeau,¹ to urge Russia to take active measures to maintain its previous preponderance at Stockholm. The two omnipotent men in Russia, Biren, since 1737 duke of Courland, and the veteran Osterman, replied that Fleury was a pacifist, and that France had given ample assurance of its disinterested intentions. Additional motives for quiescence, says Rondeau, were that they found it inconvenient to alienate France when they were dependent upon her good offices in the negotiations with Turkey, and that they were not without hopes that Great Britain would in her own interests supply the necessary funds for bribing the Swedish diet. The climax came when the British ministers discovered that the new Swedish ministry had, on 10 November 1738, concluded a subsidy treaty with France. What could be the object of such a treaty, concluded by a frugal cardinal, at a time when there was profound peace in the north? And on what was the subsidy to be spent by Sweden? The answer in Whitehall was that the money was to be spent on the fleet, the one department in which Sweden could hope to outmatch Russia, and that

¹ The correspondence to and from Rondeau from 1736 to 1739 has been printed from the State Papers in the Public Record Office in vol. lxxx of the *Recueil* (Sbornik) of the Imperial Society of Russian History. No other country, except the United States, has done so much to free its students from the necessity of personal visits to foreign archives.

ships, which Britain could supply. Hence the proposal that, in case of an attack on Britain, Russia should send 15,000 infantry, while, in the converse case, Britain should furnish ships bearing 800 guns. In both cases the expense of the succour was to be defrayed by the sender. From this agreement any attack on Russia by Poles, Turks, Persians, Tartars, and other orientals was to be excepted; and the Russians, in return, were not to be pledged to assist in case of any attack on the king's dominions in America. No limit of time was fixed for the treaty, and it was included that the treaty of commerce should also be made perpetual. As to the title, Rondeau was told that he might grant it, but only if the Russians made it a *sine qua non*, and then only on condition that they signed a separate article promising to claim no privilege or pre-eminence on account of the title. This article had been drawn up during the negotiations with Peter the Great, who had been more imperative in demanding the title than his niece was expected to be.¹

Rondeau submitted the project to Osterman in the expectation that the Russian objections and amendments would be embodied, according to the usual practice, in a counter-project. But Osterman was too cautious to commit himself in writing, while the treaty with the Turks was still in the making, and insisted upon dictating his criticisms to Rondeau. In the first place he demanded the imperial title; he would not have a permanent treaty of any kind, so there must be a time limit to the new treaty and to the renewed treaty of commerce; he would not listen to the exception of the Poles, who were not orientals, and who were included in every other defensive treaty that Russia had made; and finally he insisted that the Russian troops, when outside their own country, must be maintained at the cost of the country which demanded their aid. If the troops were transported by sea, they might be all infantry, but if they marched by land, they must have some cavalry for scouting and foraging. And he would like to have some fixed bounds, e.g. England, Flanders, Germany, beyond which the Russians were not to go, and as Britain excepted the oriental foes of Russia, he would also except wars with Spain or Portugal or in the Indies. There was also a question as to whether the king's dominions included those which he held as elector. If so, Osterman thought they should be specified.²

On receipt of these comprehensive comments, the British ministry, again without any delay, drew up a revised draft which was to be the basis of a final settlement. The stipulation as to the commercial treaty was taken out of the body of the treaty and put into a separate article, on the obvious ground that it was

¹ Harrington to Rondeau, 17 February (o.s.) 1739, *Recueil*, lxxx. 431.

² Rondeau to Harrington, 17 March and 10 April, 1739, *Ibid.* pp. 444, 452.

The only existing treaty between Russia and Great Britain was a commercial treaty, which Rondeau had negotiated in 1734, in the middle of the Polish war, and which was regarded with jealousy and envy by both France and the United Provinces. A French envoy, Campredon, had made a strenuous effort to effect a triple alliance of France, Britain, and Russia in the last years of Peter I, but had been foiled by the difficulty of adjusting terms with Hanover about Holstein and Mecklenburg. Since then relations had been sometimes strained, as in the reign of Catherine I, but more often reasonably friendly, as under the present Tsaritsa, Anne; but there had been no definite obligations on either side. These indeterminate relations seemed to the British ministers to be no longer adequate, in view of the alarming position in Europe. On 15 December (o.s.) 1738 Harrington wrote to Rondeau that he might suggest, as from himself, that if Russia would like a treaty, any proposal would probably meet with favourable consideration in London. Four days later he went farther, and authorized the definite proposal of a defensive alliance to the duke of Courland, and to any other minister whom Rondeau might regard as worthy of trust. A month later, as an afterthought, he insists that the negotiation must be an inviolable secret, 'and not the least mention of it made even to the imperial court, lest, in the present situation of the emperor with regard to France, any ill consequences should arise from intrusting them with such a confidence'.¹

Rondeau reported that he had made his overtures to Biren and Osterman, that they were in favour of a treaty, but insisted upon the first project being drawn up in London. Rondeau also called attention to the inevitable question of the imperial title. Peter I had assumed it after the treaty of Nystad, but Great Britain, like several other states, had hitherto declined to recognize the assumption. In official documents the present ruler of Russia was 'the Czarinna' or 'Her Czarish Majesty'. Rondeau said that he had been authorized to concede the title in 1734, when he was dealing with the commercial treaty, but, as he had been able to conclude without granting it, he had never done so.² The Russians discovered this, and withheld the customary present on the making of a treaty.

No time was lost in Whitehall, and on 17 February (o.s.) Harrington sent the first draft of a treaty drawn upon very general lines. It was based upon the assumption that Britain needed troops, of which Russia had plenty, and that Russia needed

Instructions, &c., Russie, i. 344-59. They give a good idea of the problems with which the successive British envoys had to deal.

¹ For these letters from Harrington of 15 and 19 December, and of 19 January 1739 (o.s.), see *Recueil*, lxxx. 402, 405, and 419.

² Rondeau to Harrington, 16 January (o.s.) 1739, in *Recueil*, lxxx. 416.

ships, which Britain could supply. Hence the proposal that, in case of an attack on Britain, Russia should send 15,000 infantry, while, in the converse case, Britain should furnish ships bearing 800 guns. In both cases the expense of the succour was to be defrayed by the sender. From this agreement any attack on Russia by Poles, Turks, Persians, Tartars, and other orientals was to be excepted ; and the Russians, in return, were not to be pledged to assist in case of any attack on the king's dominions in America. No limit of time was fixed for the treaty, and it was included that the treaty of commerce should also be made perpetual. As to the title, Rondeau was told that he might grant it, but only if the Russians made it a *sine qua non*, and then only on condition that they signed a separate article promising to claim no privilege or pre-eminence on account of the title. This article had been drawn up during the negotiations with Peter the Great, who had been more imperative in demanding the title than his niece was expected to be.¹

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¹ Harrington to Rondeau, 17 February (o.s.) 1739, *Recueil*, lxxx. 431.

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no concern of any power that might be invited to accede to the treaty. No time was fixed for its duration, but Rondeau was to get as many years as he could. The general words 'royaumes, états, pays, provinces' had always been held to include the electoral dominions. It was therefore impossible to specify the latter in this treaty without casting doubt upon the interpretation of all the other treaties. For the 15,000 infantry was substituted 10,000 foot and 2,000 horse, and to these Great Britain would supply bread, forage, and quarters outside their own country. But, in return for this extra expenditure, the British naval aid, which was to be self-supporting, must be cut down from 800 to 640 guns. The exception of the Poles was abandoned, and, as this introduced a possible war in which naval aid would be useless, provision must be made for possible wars in which neither side required the stipulated assistance. To meet such a case there must be a pecuniary equivalent at the option of the requisitioning power. The British ministry did not fix a sum, but suggested to Rondeau that he should start at £60,000 and go up, if necessary, to a limit of £100,000. As the Russians would not exclude the Poles, Britain could not agree to the exclusion of Spain and Portugal, but to balance the exception of all orientals, ministers consented to except all cases of attack on the king's dominions outside Europe, and they also agreed that Russian troops should not be called upon to serve in Spain, Portugal, or Italy. No specified power was to be invited to accede to the treaty, because such a power would have to receive intimation of its contents, which would put an end to all secrecy. Finally, Rondeau was ordered to keep the title in reserve, to be given as a *bonne bouche*, if the Russian ministers were in other matters amenable.¹

Rondeau received the revised project on 16 June (o.s.), and five days later he declared that Biren and Osterman had offered no objections, and seemed to be as well disposed as ever. But at this interesting stage the negotiation, which had proceeded so far without serious hitch, was suddenly and completely arrested. Various excuses were made for delay. At first there was the grandiose wedding of the tsaritsa's niece and presumed heiress, Anne of Mecklenburg, to Anthony Ulrich of Brunswick-Wolfenbüttel, who had been brought to Russia as a prospective bridegroom in 1732, and had recently earned some distinction by serving in the Turkish war. The wedding was not in itself unpleasing to England, as it connected Russia not only with the house of Welf but also with Austria, where Charles VI's wife was the bridegroom's aunt. But the festivities put a stop for a considerable time to public business. Then was pleaded the necessity of translating the draft treaty into Russian for sub-

¹ Harrington to Rondeau, 25 May 1739, *Recueil*, lxxx. 477.

mission to the empress. And, finally, came the true excuse that all attention was focused upon the negotiations at Belgrade and later at Constantinople, where Villeneuve carried out his instructions to divide Austria from Russia by negotiating, not a single treaty, but two separate treaties with the Turks. The news of the first treaty, by which Austria deserted her ally, was greeted with execrations at St. Petersburg. Nor was there much joy, though there may have been some relief, when it was learned that on 18 October Russia had been compelled to purchase peace, after an exhausting but not unsuccessful war, by sacrificing all conquests except Azof, and that was to be dismantled.

In the interval between the two treaties the friction between St. Petersburg and Vienna was so acute that it appeared in London as if a Russian treaty might involve a collision with Austria. On 24 August (o.s.) Harrington wrote to Rondeau to take advantage of Russian delays as a pretext for refusing to sign and for referring home for fresh instructions. When the news, however, came that Russia had also made peace, Harrington assumed that all cause for delay was at an end, and wrote on 23 October (o.s.) to renew the authority to sign.¹ But it was too late. Rondeau had died after a few days' illness on 5 October (o.s.); there was only a secretary left to carry on formal business at St. Petersburg, and the new Russian envoy had not yet come to London. So the negotiation was perforce held up till Rondeau's successor, Edward Finch, could arrive at the Russian capital.

Finch's instructions² were extremely simple. He was to watch la Chétardie and defeat his intrigues to detach Russia from Austria, and he was to complete the treaty which Rondeau's death had left in suspense. This treaty was now the more necessary on account of the war with Spain, which had begun in 1739. Finch did not arrive in St. Petersburg till the beginning of June 1740, and from the outset he found himself confronted with two difficulties. One was that he was handicapped by his ignorance of German, though he professed a valiant intention of learning it. No diplomatist was expected to know Russian, but German had become the second language of the Russian court, where French was a comparatively rare accomplishment. Osterman had a sufficient mastery of French, but Biren, though he could grasp what was said slowly to him, could only reply in German. So, in conversation with the duke, whose influence was all-important with the empress, Finch had to employ an interpreter. And until Münchhausen could send him a trustworthy secretary from Hanover, where he seems to have kept a supply of young

¹ *Recueil*, lxxx. 525 and 541.

² *Ibid.* lxxxv. 5-23. This volume contains the Finch correspondence down to 3 March 1741.

men for the purpose, he had to accept the services of anybody who was available, sometimes of a member of the duke's household and sometimes of the Austrian or Saxon envoy. This was not very conducive to secret diplomacy.

Another difficulty was that the tsaritsa's reign was coming to a close, and that the rule of her German favourite and minister was so unpopular that it could only be maintained by terrorism. Just before Finch arrived, Volinski, one of the cabinet ministers, was arrested on a charge of plotting to secure the expulsion of all foreigners and the restoration of the old Russia before Peter began to destroy it. The number of persons implicated, says Finch only a fortnight after his arrival,

show such a general disposition in this country to return to its old state, and so thorough an aversion to all foreigners, that those who know the Czarinna and duke of Courland better than I can pretend to do, observe a very remarkable thoughtfulness in both ; for though to chop off the heads of the whole country may be an effectual remedy, yet it must appear a very violent one to the first, and, in case of accident to the Czarinna, the situation of the last must appear, even to himself, a very nice and dangerous one.¹

It was not a hopeful task to negotiate a treaty with a government that was so insecure.

It did not improve matters that the leading members of the government were at variance with each other. Osterman had been at the head of the foreign office for fourteen years, and resented all attempts of Biren to encroach on his domain. Charles VI was not yet reconciled with Great Britain, and Osterman was more pro-Austrian than pro-British, whereas Biren was the reverse. The friction became more acute in July when the duke succeeded in bringing to St. Petersburg and into the cabinet Alexis Bestuzhev, a man who was fitted both by ability and by linguistic attainments to be a possible rival to the veteran foreign minister.² Osterman showed his resentment by deliberate obstruction when Finch tried to bring him to discuss the inchoate treaty of 1739. He asked what other powers were to be invited to join the alliance, and like a 'good Prussian', as Finch called him, urged that everything should be done to conciliate the young king of Prussia, by gratifying his supposed ambitions with regard to Jülich and Berg and East Friesland. He was especially insistent that George II, who was in Hanover during the summer of 1740, should arrange an interview with his nephew. George, who had no love for

¹ Finch to Harrington, 17 June (o.s.) 1740, *Recueil*, lxxxv. 59.

² Finch, however (to Harrington, 19 July o.s.), says of Bestuzhev that, 'the duke of Courland looks upon him as a sure man, and count Osterman not as one of such parts and knowledge as to give him any jealousy.' Finch also says that the duke's favour was the more astonishing, as Bestuzhev's father had been Biren's rival for the favours of the tsaritsa when she was the wife of Frederick William, duke of Courland.

Frederick, resented this alien dictation, and forbade Harrington to answer the reiterated suggestions from St. Petersburg. This obstinate silence further irritated Osterman. But the climax of tactlessness was reached when Finch, egged on by Harrington, tried to employ the duke of Courland to put pressure upon his recalcitrant colleague. It was only after much mischief had been done that it was at last realized that excessive urgency was impolitic, and Finch declared to Osterman that he would never mention the treaty again till he was invited to do so.

Either this tardy coyness or the pressure of Bestuzhev produced some result. On 29 September (o.s.) Osterman, ousting his colleagues in the cabinet, began a series of conferences with Finch lasting till 10 October, in which he analysed seriatim the provisions of the revised draft treaty which Rondeau had received from Harrington on 16 June of the previous year. As before, Osterman refused to commit himself to anything in writing, and Finch found it very difficult to arrange the gist of the long-winded discourses to which he had listened. On the question of the imperial title Finch gave way, reserving the separate article against any claim to pre-eminence. But he refused, on obvious grounds, the suggestion that both powers should furnish either ships or troops, on demand when the *casus foederis* should arise. This necessitated the fixing of a pecuniary equivalent. Osterman regarded as contemptible the £60,000 which Finch offered, and sneered at the £100,000, which was ultimately inserted. It was not for great states, he said, to negotiate *en marchand*. He demanded that the British squadron should winter in the Baltic instead of quitting it in October. But Finch replied that an ice-bound fleet would be useless, and that no sailors would engage to serve on such terms in so unpopular a sea. As it was, men had to be signed on for the Mediterranean and then transferred to the Baltic against their will. But the gordian knot was the article in the draft treaty excluding present wars. Osterman said that this excluded the war with Spain. Finch replied that the Spanish war had not begun when the draft was drawn up, and that the article only applied to the Russo-Turkish war. He declared that parliament would be alienated by such a condition, that his own reputation would be ruined, and that the king would rather lose the treaty than consent. Osterman dilated on the contrast between French generosity and British niggardliness. La Chétardie, he said, offered a guarantee of all Russian possessions and acquisitions on every side; an engagement to keep Sweden quiet and a squadron in the Baltic in case of need; good offices to prevent an attack from Turkey and an ample subsidy if such an attack were made. As against this Britain offered assistance which was of no use against any power but Sweden. Finch could only reply

that the treaty was proposed in the general interests of Europe, and not merely for the defence of the contracting states. In the end the now heated diplomatists agreed to compromise on the exclusion of the Spanish war in the treaty, and on the adoption of a separate and most secret article by which Russia was to furnish aid in case the European dominions of George II were attacked by any other power during the Spanish war. At the last minute Osterman proposed to insert here *à l'exception de Gibraltar et Port Mahon*, but this Finch successfully resisted. The other separate articles dealt with (1) the title, (2) a guarantee of Courland to Biren and his male descendants, reserving the suzerainty of Poland, (3) a renewal of the treaty of commerce for twenty-four years, and (4) the admission of Saxony as one of the principal contracting powers. The duration of the treaty was fixed at twenty years.

Osterman now urged Finch to sign *sub spe rati*, but the latter insisted upon sending his voluminous report to London. It was finally ready for dispatch on 1 November (o.s.).¹ But by that time he realized that his labour had been largely thrown away, as two events had altered the whole situation. On 17/28 October the Tsaritsa Anne had died, bequeathing the crown on her death-bed to the infant Ivan VI,² who had been born in the previous August, and giving the regency, not to the child's mother, who had been universally regarded as the future tsaritsa, but to the unpopular duke of Courland. Nine days later the news reached St. Petersburg that the Emperor Charles VI was also dead. Osterman, said Finch, 'was more struck with this catastrophe than with our late one here.'³ It confronted Europe with two all-important problems, the possibility of a disputed succession in the Austrian dominions, and the practical certainty of a disputed election in the Empire.

Finch did his best to minimize the significance of the change in Russia. He dilated on the ease and tranquillity with which it had been effected. He pointed out that Osterman, who had characteristically 'lain low' during the change, was still at his post, that the new regent had always been a partisan of the treaty, and that Alexis Bestuzhev, another ally, had been prominent if not active in settling the regency, and was now likely to be much more influential. But his optimism received a severe blow on 9 November (o.s.) when Field-marshal Munnich, one of the heroes of the Turkish war, suddenly seized Biren, and transferred the regency to Anne of Brunswick, the mother of the infant tsar. Bestuzhev disappeared, first in prison, and then in exile. But

¹ For Finch's bundle of 1 November, see *Recueil*, lxxxv. 252-351 (100 pages).

² By an edict, issued 5 February 1722, Peter the Great had abolished all claims by lineal descent or primogeniture, and had given to the reigning sovereign an absolute right to nominate a successor.

³ Finch to Harrington, 1 November 1740, *Recueil*, lxxxv. 356.

Osterman seemed as immovable as ever, and Finch saw no reason why he should not get his treaty, though the separate article about Courland must obviously be deleted.¹

But this time it was the British ministers who were in no hurry, and it was not till 10 February (o.s.) 1741 that Finch received from Harrington a virtual approval, with some minor exceptions, of the amendments which Osterman and Finch had agreed upon in their conferences four months before.² The cause of the delay was the emergence of a new and wholly unexpected problem. The dreaded attack upon Maria Theresa had come, not from France or from France's protégé Bavaria, but from Osterman's pet, the young king of Prussia, who had invaded Silesia in the previous December. Even Osterman's obstinate Prussianism was not proof against this shock, and the conclusion of the treaty was tacitly postponed while the two powers discussed how they were to fulfil the obligation, which both admitted, to maintain the Pragmatic Sanction. Remonstrances without any force behind them were treated with contempt by Frederick, who insisted upon a prompt satisfaction of his claims. But it was clear that, if the indivisibility of Austrian dominions was once sacrificed, others would insist upon a share in the spoil. Also Prussia was inconveniently near to Russia, and the aggrandisement of Prussia was as undesirable as the weakening of Austria. Osterman expressed his willingness to concur in any plans for the coercion of Prussia, which might be put forward by the maritime powers. But Great Britain, while demanding that Russian troops should invade East Prussia, would formulate no plan for its own action, because the safety of Hanover was at stake. And so matters reached a deadlock, from which Prussia industriously profited.

In March 1741 events took a new turn. The British ministers discovered that France and Spain were forming plans for the support of Bavaria which might have the effect of destroying the house of Austria and with it the liberties of Europe. In face of this new and serious danger, they decided that Prussia, instead of being coerced, must be bought off by Maria Theresa, and they sent instructions to that effect to Thomas Robinson in Vienna and to Lord Hyndford at Berlin. Copies of these were sent to Finch, and he was to ask for the co-operation of Russia in this altered policy. They had also discovered that two schemes had been formed to paralyse Russia. Sweden, under the treaty of

¹ Finch was afraid that, in place of this article, the new regent would demand some concession to her father, the duke of Mecklenburg, whose territories were occupied by Hanoverian troops under an imperial decree. Osterman did raise the question, and extorted an explanatory letter from George II, but the subject was allowed to drop.

² We have not Harrington's dispatch, but its contents are revealed by Finch's acknowledgement on 14 February (o.s.) 1742, *Recueil*, lxxv. 488.

1738, was to be encouraged to undertake a war through Finland and by sea for the recovery of the Baltic provinces. And la Chétardie was trying to arrange that, simultaneously with the Swedish attack, there should be a rising of Russian malcontents to overthrow the house of Brunswick in favour of Elizabeth, the surviving daughter of Peter the Great. Such a revolution would make France and Sweden the dictators of the north. Finch was ordered to urge the Russian government, whose maintenance was deemed necessary for the common cause, to take all possible precautions against this combination of external and internal dangers. As for the treaty, if it was not already concluded, or if Swedish hostilities should begin before signature, Finch was to wait for further instructions.¹

Harrington's dispatch, as he probably expected, came too late for this last order to be carried out. The Swedish preparations were even more carefully observed at St. Petersburg than in London, and Osterman was eager to see a British squadron in the Baltic. Russia was now the suppliant for the treaty, and though Golovkin, a new cabinet minister, tried to raise new difficulties, 'on the old Russian maxim that this country should not lay itself under any engagements to foreign powers,' these were swept aside, and the treaty, as adjusted with Osterman in the previous October, was signed on 4 April (o.s.) 1741, though it was dated the 3rd. The only concession to Golovkin was that the duration of the commercial treaty was cut down to twenty years so as to be identical with that of the political treaty.²

Finch had at last carried out his original instructions, but he was not jubilant. He knew in his heart that the treaty came too late to be of much use. The original object of the treaty, the maintenance of northern peace, had been superseded by a new aim, to draw Russia into the now inevitable war on the side of Maria Theresa. Finch saw that the Swedish attack would make it impossible for Russia to give active aid to Austria, and that the Spanish war and other dangers would make England reluctant or unable to send ships to the Baltic. He admitted that 'the present critical conjuncture in the empire and the dispositions of the Swedish diet had a much greater share in the conclusion of the treaty than that which I can pretend to'. And he begged Harrington, if circumstances made the sending of a squadron impossible, to sacrifice him as having exceeded his powers, and to refuse to ratify. Of course he could not in such a case remain in St. Petersburg, but he was compelled, in a separate letter, to ask for his recall on the ground of ill health. Harrington replied to

¹ This important dispatch from Harrington is dated 17 March (o.s.) 1741, *Recueil*, xci. 20.

² Finch to Harrington, 31 March and 5 April, 1741, *Ibid.* pp. 37-40.

these letters from Hanover that the question of ratification must be settled by the Lords Justices in England, and that Finch might return as soon as his successor had been found.¹

On 23 June (o.s.) Newcastle, the other secretary of state, conveyed the decision of the Lords Justices. In spite of Russian delays and alterations, and of the obvious fact that the sudden conclusion was due to the fear of a rupture with Sweden, they held that an alliance with Russia was desirable. But they could not admit an unconditional obligation to send ships, no matter how critical was the position elsewhere, and therefore they can only authorize ratification on condition that Russia accepts a new additional article giving the right to withhold ships in case of urgent necessity and to pay money in their place. The option between material aid and money is given in the treaty to the recipient of aid, it must be extended to the giver. If this article is signed, Finch may ratify, and the necessary forms are sent; if not, he must refer home for fresh orders.²

Unfortunately this dispatch went through Hanover, and George II and Harrington seized the opportunity to practice a characteristically Hanoverian piece of economy. When Osterman was first confronted with the possibility that he might not get the coveted ships and that money might be offered to him in their place, he had flung out in a rage: 'As to the money, it would never be received here, and he himself should be a traitor to Russia if ever he advised the great-duchess to accept it.'³ Harrington fastened upon these hasty words, which had been reported to him by Finch, and supplemented Newcastle's letter by instructing Finch to get the option of withholding the ships without promising any equivalent. At the same time he told Finch that his place was to be taken by Sir Cyril Wich, who had been our minister to the Hanse towns and knew all about Baltic politics, and sent him two letters of recall, one addressed to 'the emperor', to be used if the treaty was ratified, and the other to 'his Czarish majesty', if it was not.⁴

Finch had to recast Newcastle's separate article in order to get rid of the equivalent for ships. As might have been expected, Osterman withdrew from his previous attitude, and, when reminded of his own words, said that his colleagues would never consent to dispense with aid altogether. Through August, September, and October, Finch, knowing it was his last negotiation, did his utmost to carry out Harrington's instructions. The

¹ Harrington to Finch, 28 May/8 June 1741, *Recueil*, xci. 93.

² *Ibid.* p. 162.

³ Finch to Harrington, 23 June/4 July 1741, *Ibid.* p. 161.

⁴ Harrington to Finch, 5/16 July 1741. *Ibid.* pp. 176 and 183 (two letters of same date).

declaration of war by Sweden in August did not make his task easier. But it was a hopeless struggle, because Finch had given away his case at the outset by saying that no question of money should mar the settlement, and because Scherbatov in London had discovered that the ministers there had proposed to give the equivalent without any hesitation. So, at last, Finch had to put back the article into the form originally sent by Newcastle, and this was signed on 17 November (o.s.). In return for this, Osterman withdrew a demand which he had put forward that Britain should give an unconditional pledge to send a squadron to the Baltic in case French ships entered that sea. The next day formal ratifications of the treaty were exchanged. But Finch had never got his audience of leave. All his demands for it had been treated as mere diplomatic moves to induce Russia to give way. However, as the winter had set in, and he had lost the good weather for travelling, he determined to wait for the arrival of his successor. It was an unfortunate decision for Finch, though it has preserved to us a valuable narrative of a stirring event.

All this time the Brunswick government had been tottering, and would have fallen before this but for Lacy's decisive victory over the Swedes at Wilmanstrand. But even this brilliant success, though it disconcerted la Chétardie's scheme of combining a revolt in the capital with a Swedish advance, could not save a government which lacked all cohesion and foresight. Munnich, the man who had given the regency to Anne, and had been rewarded with the novel office of premier minister, had shown no ability for any except the military department, where he came into collision with the regent's consort, Anthony Ulrich, who was nominal commander-in-chief. In March 1741 Munnich had been dismissed, and his useless office suppressed. Anne said that he had acted to serve his own ambition, and that though she could profit from the treachery, she could not esteem the traitor.¹ With ill-judged leniency she allowed the field-marshal, who had more than one link with her favourite, Julia Mengden, to stay on in St. Petersburg as a centre of intrigue. Anne herself was jealous of her husband's attempts to interfere in affairs, and detested Osterman, whom she regarded as Anthony Ulrich's preceptor. At last at the end of October she took the extreme step of recalling Osterman's rival, Alexis Bestuzhev, from exile. Prominent among the critics of the foreign minister was Botta, the Austrian envoy, who, says Finch, 'seems to be erecting himself into a minister of this court, and employs all his dexterity, malice, and revenge to thwart the duke [Anthony Ulrich] and Count Osterman'.² So absorbed were court circles in these squabbles that they refused to pay

¹ Finch to Harrington, 7 March 1741, *Recueil*, xci. 4.

² Finch to Harrington, 20 October (o.s.) 1741, *Ibid.* p. 300.

attention to Finch's reiterated warnings as to French plots in favour of Elizabeth. When Finch pressed Osterman to take precautions, the latter replied that the princess was too good a Russian to take part in such conspiracies.¹

Barely a fortnight had elapsed after the ratification of the Anglo-Russian treaty when it was reduced to waste paper by the startling revolution of 25 November/6 December 1741.² The regent, with her husband, her children, and her female favourite, was removed to the first of a series of prisons, more numerous and far more repulsive than those of Mary Stewart. Elizabeth became empress of all the Russias. Osterman and Munnich were reprieved from the scaffold to end their days in Siberia. The long domination of the Germans was at an end. La Chétardie, though he had nothing to do with the actual revolution, was as triumphant as if he had organized it, and posed as a virtual prime minister of Russia.³ Bestuzhev, sailing for the moment with the prevalent French wind, returned to the cabinet and was presently appointed vice-chancellor. Elizabeth was supposed not to love him,⁴ but she had nobody else with the necessary command of languages, and he saved her so much trouble that he continued to serve her for sixteen years, and became in time as much the dictator of the foreign office as Osterman had been for so long. With Alexis Bestuzhev was associated at the outset his elder brother, Michael, an experienced diplomatist, who had been freed from his embassy at Stockholm by the outbreak of war, and who was recalled by Elizabeth to the post of grand-marshal in Russia. The brothers Bestuzhev figure largely in the diplomatic correspondence of the period, and were often jocularly compared or contrasted with the brothers Pelham in London.

Finch was in an awkward position. He had ratified a treaty, but the sovereign with whom he had nominally contracted it was deposed and a prisoner. The minister with whom he had adjusted its terms was in Siberia. The power against which it was really directed was in the ascendant at St. Petersburg. Had the treaty any chance of real validity or usefulness? He could not test this. He was not accredited to Elizabeth, and, if he were, she would

¹ Finch to Harrington, 22 August/2 September 1741, *Recueil*, xci. 251.

² This revolution has been graphically described by R. N. Bain, both in *A Daughter of Peter the Great*, c. iii, and in *The Cambridge Modern History*, vi, c. x. His narrative is largely based upon Finch's dispatches.

³ 'The French minister still continues prime minister; he publicly kisses and is kissed by janissaries in the drawing-room.' Finch to Harrington, 15 December (o.s.) 1741. He is 'remarkably caressed and equally the minister of this court and his own' (*ibid.* 26 January (o.s.) 1742), *Recueil*, xci. 373 and 433.

⁴ 'Though she finds herself obliged to make use of Mr. Bestucheff particularly, yet she thinks as bad of him, in every shape, as of any man in this country, which is saying a great deal, since I do not know one who could pass for a tolerable honest man in another' (Finch to Harrington, 5 January (o.s.) 1742, *Recueil*, xci. 408).

not accept him. She had discovered in the course of the trials that he had been the first and the most persistent of those who had denounced her treasonable designs.¹ If his warnings had been accepted, instead of being on the throne she would have been in a monastery and, as Finch himself maliciously said, 'she had not a bit of nun's flesh about her'.² And yet Finch could not depart. His letters of recall were addressed to the deposed Ivan VI, and at least two months must elapse before he could get new ones. He did not receive them and get his formal audience till February 1742, and then he had to leave without the customary present. During the interval he had no diplomatic functions and could only act as a gazetteer. His final estimate of the revolution was that the French for their own ends had plotted to place Elizabeth on the throne, and that they had

succeeded much beyond their expectations, and according to all appearance, their wishes also, which was entirely owing to the stupid folly and madness of the late government, and not at all to the address and skill of those who conducted the scheme.³

Sir Cyril Wich did not arrive at St. Petersburg until April 1742, and after a brief stay had to continue his journey to Moscow, whither Elizabeth had promptly removed her court in order to gratify the Russian nobles.⁴ Wich had certain advantages over Finch. He had lived for several years at Hamburg, and was a good German scholar; he had the Holstein order, and was familiar with the men who were acting for that house, which, after a period of obscurity since the death of Catherine I, suddenly returned to the forefront with the accession of Elizabeth; most important of all, he had been fairly intimately acquainted at Hamburg with

¹ In his last letter from Russia (6 February (o.s.) 1742), Finch wrote: 'I know, beyond a possibility of doubt, that the Czarinna, during the course of the examination of the state prisoners, has been informed that I was the person who gave the late government the first intelligence of her schemes against it, which she at the same time says would never have succeeded had the other people been wise enough to make use of it, and followed my advice, though she does me the honour to add that, as my attachments to the late regent were very natural, she can neither blame me, nor think I acted contrary to the principles of a man of honour and honesty, but that she supposes me too reasonable to expect a greater return of her thanks for the pains I gave myself on that occasion' (*Recueil*, xci. 445).

² Finch to Harrington, 2 June 1741, *ibid.* p. 97. It was Anthony Ulrich who said to Finch, in talking of the danger from Elizabeth, that she would not be the first princess in Russia who had been shut up in a monastery.

³ Finch to Harrington, 23 January (o.s.) 1742, *ibid.* p. 428.

⁴ Finch wrote to Harrington 2 June (o.s.) 1741: 'Of the nobles there is not one who would not wish St. Petersburg at the bottom of the sea, and all the conquered provinces at the devil, so they could but remove to Moscow, where, by being in the neighbourhood of their estates, they could all live in greater splendour and at less expence. Besides they are persuaded that it would be much better for Russia to have nothing more to do with the affairs of Europe, but confine itself to the defence of its own ancient territories strictly called so.' The whole letter, which is a long one, is of considerable interest and importance. See *ibid.* pp. 94-114.

Alexis Bestuzhev, whom he believed, and rightly believed, to be well disposed to England, though his position was not yet sufficiently secure to enable him to give effect to it. And in Carteret, who had become northern secretary on the fall of Walpole, Wich had a much more energetic and independent employer than Harrington, both by nature and by the necessity of consulting the late prime minister, could ever be.

On the other hand, Finch had bequeathed to him an anomalous situation. A treaty had been ratified, an additional article had been signed, and that article, still unratified, had been declared to be a condition *sine qua non* of the ratification of the treaty. Would the new government complete the bargain by ratifying the article, or would they repudiate the alliance altogether? It must be remembered that Elizabeth, a woman of strong prejudices, came to the throne with the resolute conviction, artfully stimulated by the partisans of France, that the courts of London and Vienna were pledged partisans of the house of Brunswick, that they bitterly regretted its downfall, and that they would welcome its restoration. And it was true that both Austria and Britain regarded Elizabeth's hold upon the throne as extremely insecure, and did not for a long time believe that Russia under her rule could play a resolute or a creditable part in the affairs of Europe.

What saved Wich and enabled him to complete the task in which both Rondeau and Finch had failed, was not his own ability or the anglophilism of Bestuzhev but the policy of France. It gradually became clear that France had planned a revolution in Russia, not to give a secure throne to the daughter of Peter the Great, but in order to ruin that presumptuous state, to drive it back into barbarism, and to re-exalt Sweden as the faithful helot of France.¹ La Chétardie was in many ways a reckless and self-confident adventurer, but he would have been able to foil Wich and prevent any Anglo-Russian agreement if he had been allowed to send the Swedes back empty-handed and to make peace on the basis of *uti possidetis*. But when he ordered the Swedes to stop their advance he was severely reprimanded for his presumption, ordered to obey his superiors, and forced to propose to Elizabeth the cession of the provinces which her father had acquired.² This seriously weakened her devotion to France, though not her affection for la Chétardie, who quitted Russia in September 1742 so laden with gifts that Wich declared, 'if he has

¹ This was the constant burden of Carteret's letters to Wich. Elizabeth, he says, 'cannot but observe that the oppressing of Russia, in order to be mistress of the north, is as much the scheme and system of France as is the destruction of the house of Austria for the sake of enslaving the rest of Europe' (27 April (o.s.) 1742, *Recueil*, xci. 466).

² Amelot to la Chétardie, 15 January 1742 (Rimbaud, *u.s.* pp. 369-75).

not done his master's business, he has at least done his own to perfection'.¹

La Chétardie's departure was Wich's opportunity. He had already, thanks to the treaty of Breslau and for a time the strained relations of Prussia and France, gained the co-operation of Mardefeld, the experienced and able representative of Prussia in St. Petersburg. He was able in July to approach the Russian ministers on the subject of the treaty, and they informed him on the 19th (o.s.) that all the acts of the late administration had been cancelled, so there must be a new treaty,² based upon the former one, but with certain modifications. This time they undertook to do the drafting. To Wich's intense gratification the changes in the treaty, which he sent home on 6 August (o.s.) were such as to simplify the terms and make them more equal. The old difficulty about the Baltic fleet had disappeared now that the Swedes had collapsed and Russia was rapidly driving them from Finland. So all demand for ships during the Spanish war was dropped, just as all demand for Russian troops was dropped during the Swedish war. The obligation to give aid in case of any fresh attack while these wars continued was now made reciprocal, whereas by the secret article as previously drafted it only applied to an attack on the European dominions of George II. The non-ratified article drafted by Newcastle and signed by Finch was no longer necessary and was altogether dropped. As the draft was now a Russian one, the pecuniary equivalent was to be 500,000 roubles instead of £100,000, an insignificant change. The main clauses of the treaty were unaltered.³ The ministers at home were as delighted as Wich, and Carteret on 17 September (o.s.) sent him full powers to conclude, and only stipulated for one vital alteration. The guarantee of 'territories which they now possess' might be interpreted to include Finland. The words must be altered to 'the territories which they possessed before 1741'.⁴

Wich must have thought his work accomplished when he received these instructions. But France was not yet prepared to admit defeat. D'Alion, who represented France since la Chétardie's departure, had been resident in Russia for several years, and had a far more intimate knowledge of Russian society than his predecessor ever possessed. D'Alion had many supporters and some

¹ Wich to Carteret, 23 August (o.s.) 1742, *Recueil*, xcix. 46. Wich estimated the value of the presents to la Chétardie at 150,000 roubles.

² Elizabeth had begun by appointing a committee to examine and report on Finch's treaty. She had been led by her French friends to believe that it had contained a secret clause guaranteeing the continuance of the Brunswick dynasty and her own exclusion.

³ Wich to Carteret, 6 August (o.s.) 1742, *Recueil*, xcix. 29.

⁴ Carteret to Wich, 17 September (o.s.), *ibid.* p. 76.

pensionaries at court, and they persuaded Elizabeth that, if Britain would not aid Russia against the Turks, who were the most obvious enemies of Russia, then, on the basis of equality, Russia should not be bound to assist Britain against its most obvious enemy, France. Wich had a hard fight against this preposterous exception, but at last, thanks in some measure to a pension paid to Lestock,¹ the tsaritsa's surgeon and one of her most intimate advisers, he succeeded. The point raised by Carteret was met by altering the words *maintenant en possession* into *dont elles se trouvoient en possession avant l'année 1741, ou qu'elles pourroient acquérir par des traités*. A new secret article added the king of Prussia and the Dutch Republic to the king of Poland as powers to be invited to accede. Wich strove for the inclusion of Maria Theresa, but Elizabeth would only say that she would consider it, and that the treaty must not wait till she had done so. On 13 December (o.s.) 1742 Wich wrote with some justifiable triumph:

When I reflect upon the dispositions I found this court in at my first appearance at Moscow, the strong opposition I have met with from the French partisans, the intrigues and artifices which have been used by our open and secret enemies, and the various incidents that have occurred to render my negotiation very difficult, it is with the greatest pleasure I have now the honour to acquaint your lordship that on the eleventh instant, very late at night, I signed with the plenipotentiaries appointed by the Empress of Russia for that purpose [Bestuzhev and Brevern²] our treaty of friendship union and mutual defence, with its separate and secret articles.³

Ratification was sent from London on 25 January (o.s.) 1743.

¹ Bribery at the Russian court was regarded by foreign envoys as a matter of course. Osterman was the only minister who was reputed incorruptible. Wich obtained permission from Carteret to offer money to Lestock and to the Bestuzhev brothers. The latter never received any actual bribes from Wich, as was afterwards ascertained by Lord Hyndford, though both received presents on the ratification of the treaty, to which the elder brother was not entitled. But to Lestock Wich paid, and paid half-yearly in advance, a pension of £600 per annum, and he obtained from the recipient a letter of gratitude to George II (dated 13 September 1742, *Recueil*, lxxxix. 75). But both Carteret and Wich knew that Lestock had been paid, and continued to be paid, by France, and the former doubted whether he ever rendered any services to his British paymaster. Wich, however, definitely says that Lestock aided him to get his treaty, though he may have desired to justify his expenditure. At any rate, after 1742 Lestock, la Chétardie's *confidant*, is always regarded as a leader of the French clique, and yet he continued to draw his pension from England.

² Brevern was a person of some importance. He had been trained under Osterman, first as his private secretary, and then as an official under-secretary in the foreign office. He was an expert in all diplomatic forms. After the death of the Chancellor Czerkasky in November 1742 Brevern was admitted to the cabinet. His death in January 1744 was regarded as a great blow to the interests of Austria and Great Britain.

³ *Recueil*, lxxxix. 175. The text of the two treaties, signed respectively by Finch and by Wich, may be read in F. de Martens, *Recueil des Traités conclus par la Russie*, vol. ix, *Traités avec l'Angleterre*. The accompanying introductions are singularly inadequate and inaccurate.

After a renewed struggle on the part of the French party, Elizabeth signed on 25 February, and the ratifications were exchanged on 1/12 March.

The treaty had taken four years of rather strenuous negotiation to complete, it had helped to kill Rondeau, it had broken the health of Finch, and Wich was already seeking his recall on the same ground. Judged by its actual results, it can hardly be said to have been worth all the toil and sacrifice, but at the time this could not have been foreseen. Carteret, at any rate, was confident that it was the first step in the humbling of France and of the restoration to Great Britain of that ascendancy in the north which Stanhope had gained for a time, but which had been lost when Peter the Great, in defiance of George I, dictated terms to Sweden at Nystad. In order that the treaty should answer Carteret's anticipations, it was necessary that Cyril Wich or his successors should accomplish three more tasks. Peace must be made between Russia and Sweden, and peace on terms which should not give occasion to further disturbances in the north. The reconciliation with Prussia—already rather half-hearted—must be cemented by obtaining the accession of Russia to the treaty of Breslau. And finally, the prejudice of Elizabeth against Maria Theresa must be broken down, and Russia must return to its alliance with Austria.

RICHARD LODGE.

ADDITIONAL NOTE

On the ratification of a treaty it was customary for each power to give complimentary presents to the plenipotentiaries of the other, and this often gave rise to problems of considerable delicacy. At the Russian court special attention was paid to these presents, and the merits of an ally were apt to be measured by the extent of his generosity. In the case of our treaty there were two ratifications, the futile one by Finch, and the final one by Wich, and the decisions of the two envoys throw some light on the character of Russian ministers. Finch had three signatories to deal with, Osterman, Czerkasky, and Golovkin. As Czerkasky had done nothing but sign, and Golovkin had been obstructive, Finch decided to offer £1,500 to Osterman, £800 to each of the other two, £300 to Brevern, the under-secretary, and £200 to the clerks of the office. But Osterman, when approached, declared that he was only *primus inter pares*, and that he could not take more than his colleagues. So Finch had to readjust his figures, and offered 5,000 roubles to each plenipotentiary, 2,000 to Brevern, and 1,000 to the subalterns. To his astonishment Osterman, a comparatively poor man, refused to take any money, and said he would prefer the king's picture, or a ring, or something of that kind. The other two ministers, who were wealthy nobles, drew

their roubles the day they were offered. Osterman had also refused a money present on the conclusion of a treaty with Prussia.

Wich had only two ministers, Bestuzhev and Brevern, to consider. But as the time of ratification approached, Michael Bestuzhev, the grand-marshal, came to Wich, and said he had quitted the London embassy in 1720, when there was a misunderstanding with Peter I, and had never had a present. Wich reported this barefaced hint to Carteret, and informed him at the same time that he proposed to give 8,000 roubles to Alexis Bestuzhev, to whom the treaty was mainly due, 5,000 to Brevern, 2,000 to the under-secretary, and 1,000 to the clerks. Carteret, when he sent the ratification, told Wich to give Alexis Bestuzhev and Brevern £1,000 apiece for the treaty, another £1,000 to the grand-marshal for having missed his present in London, and £500 to the others. When the unfortunate Wich broached this distribution, he found the vice-chancellor furious at being placed on the same level as Brevern, so recently an under-secretary, and insistent upon a supplement to his £1,000. Wich was in a dilemma, from which he saw no way out except to rob the underlings. In the end he had to give the vice-chancellor an additional £300, and to exceed the allotted £3,500, which had to be translated into roubles, by £340, for which he craved pardon and repayment. Bestuzhev may have been Osterman's equal as a diplomatist, but he was no match for the German in disinterestedness. As regards the elder Bestuzhev, it is only fair to say that he based an additional claim on the ground that he had visited Hanover in the autumn of 1741, had been received there, and had conveyed messages to St. Petersburg at a time when Harrington thought that Finch must have left Russia. He had appealed to Wich on the subject at Hamburg in February 1742, and the latter had written at the time to Harrington, who took no notice. When it seemed that money was about to be distributed, the grand-marshal could not resist the temptation to jog Wich's memory and to put in his claim again.

It is interesting by way of comparison to note that Frederick of Prussia, who also concluded a defensive treaty with Russia in March 1743, began by authorizing Mardefeld to give 4,000 roubles apiece on ratification to Bestuzhev and Brevern, and in the end raised the total sum to 10,000, leaving Mardefeld discretion in distributing it (see *Pol. Corr.* ii, pp. 359, 370, 384, 393). This was not illiberal, considering that Frederick was convinced (1) that Bestuzhev was his enemy, (2) that his ministry would be short-lived, and (3) that the treaty would be useless to him. It was, he said, 'un assemblage de mots sans âme, qui ne promettent et ne roulent sur rien' (*ibid.* p. 374).

Notes and Documents

Fragments of an Anglo-Saxon Survey from Bury St. Edmunds

THE Anglo-Saxon and Latin text printed below is to be found at the end of a bilingual *Regula Sancti Benedicti*, which originally came from the *scriptorium* of the abbey of Bury St. Edmunds and is now preserved in the library of Corpus Christi College, Oxford. The philological and bibliographical interest of the text has not passed unnoticed,¹ but in its entirety the document has remained unanalysed and unprinted. This is the more surprising as it contains fragments from an eleventh-century Anglo-Saxon survey,² a class of document of extreme rarity and of considerable importance for the social historian.

¹ The first person to recognize the philological importance of this text was Schröer (*Die Angelsächsischen Prosabearbeitungen der Benedictinerregel*, Kassel, 1888, Bibliothek der Angelsächsischen Prosa, ed. Grein, vol. ii). Schröer observed that at the close of the Corpus 'Regula' there existed 'ein Klosterinventar das ich anderenorts zu veröffentlichen gedenke', and remarked: 'Auf das Inventar hat Bosworth's *Dictionary* 1838 schon theilweise Rücksicht genommen, doch dasselbe irrthümlich der Cambridger Hs. zugetheilt, was ich deshalb erwähne um künftig ein ähnliches vergebliches Suchen zu vermeiden wie Skeat und ich es nach dem Worte "scor" hatten.' I can find no evidence that Schröer ever redeemed his promise, and the scholars who subsequently alluded to this text for bibliographical or philological purposes all treated it as unpublished. Seven years after Schröer's note Dr. M. R. James quoted the list of books on fo. 107 b in his essay on the Library of Bury St. Edmunds (*Cambridge Antiquarian Society, Octavo Publications*, No. xxvii, 1895), and in 1904 Napier used this text in the compilation of a glossary of Anglo-Saxon words (*Trans. Philological Society*, 1903-6). Finally, Vinogradoff quoted from Napier the list of hundreds on fo. 107 b to illustrate the etymology of the word 'manslot' (*English Society*, p. 280). I have discovered no other reference to this text in modern literature. But I have gratefully to acknowledge two personal obligations in connexion with this paper. It was Professor Stenton who by calling my attention to the note in Vinogradoff's book first led me to examine this manuscript, whilst my colleague Mr. Ritchie Girvan by his advice saved me from several philological blunders in the preparation of the text.

² The full text as printed below is, however, clearly no unity. Not only is it divided rigorously by its subject-matter, but internal evidence shows it to date from different periods though from the same half-century. The version in the *Regula* is clearly a copy from another document, but the handwriting even of the copy is compatible with an eleventh-century date. The Saxon portions of the document down to the beginning of fo. 108 date from the time of Abbot Leofstan (1045-65), and one passage (*swa he nudagum breotanrices fafran iglandes Eadwarde cynges sealde, &c.*) seems to imply that the Confessor was still alive. The latter two notes on fo. 108 and the Latin portion are from the time of Abbot Baldwin (1065-98). It is impossible to determine from which of these two periods comes the first note on fo. 108 or the final statement of fo. 109.

Fragmentary as the survey is, it nevertheless throws a bright light upon the economic conditions of the estates of the abbey at the time of Abbot Leofstan (1045-65). At that period, it is clear, the lands of the abbey were organized upon a basis of food-rents. The four tenants of the abbey at Newton (Suffolk) all owe rents which consist primarily of payments in kind. There are, however, indications that the system is beginning to break down. On the one hand, subordinate payments of money assessed in Danish *oras* of sixteen pence have made their appearance; on the other, the abbot seems to be having some difficulty in maintaining 'the old farm' in its entirety. Still, there can be no doubt that under Leofstan food-rents constituted the bulk of the revenue which the abbey received from its estates; and the document provides a list of the manors of the abbey arranged in twelve groups each responsible for one 'month's farm' to the abbey. That this 'month's farm' still represented actual food-rents is clearly indicated by the final note (unfortunately mutilated), which describes such a farm in some detail.¹ That such an organization of payments in kind prevailed on the abbey lands at this date is the more remarkable in that we know that at the beginning of the twelfth century the circulation of money was prevalent on the Bury estates, and that whole groups of peasantry were bound to the abbey by the payment of money-rents assessed at the customary basis of one penny for each acre held.² Partly the change may be attributed to the organizing genius of a great abbot;³ but Baldwin worked throughout in close co-operation with the new rulers of England,⁴ and we may suspect that the Norman Conquest was often fatal in England to the continuance of the older economic conditions. Certainly this was the case on the extensive lands of St. Edmund's abbey where, during the latter half of the eleventh century, a wholesale transformation seems to have taken place from an economy based upon the payment of food-rents to one

¹ It will be noticed that the groups of manors in the final note are the same as those in the earlier list and it seems therefore natural to see a close connexion between the food-rents described in the one and the 'farms' enumerated in the other. It is also significant that under different conditions the method of arranging the manors of the abbey into 'farms' persisted at the time when Abbot Samson drew up his 'Kalendar' and is indeed actually described therein (Cambridge Univ. Library Add. MS. 6006, fos. 49 *seqq.*).

² Cf. my *Social Structure of Medieval East Anglia*, p. 106.

³ This economic change is but one aspect of a rule under which the real greatness of the abbey at Bury began. The establishment of a whole hierarchy of feudal tenures may be cited as another (cf. Domesday Book). Herman's eulogium of Baldwin as '*loci pater uerus et restaurator inclitus*' was well deserved (cf. *Memorials of St. Edmund's Abbey*, i. 58). The increase of the importance of money payments in the economy of the abbey can perhaps be seen even in our text itself. The *mylnegafel* from Lackford is assessed in half-pounds and Danish *oras*. This Lackford transaction is alluded to in the important charter of Baldwin printed by Gage (*History of Suffolk*, p. 487).

⁴ Cf. e.g. Davis, *Regesta Regum Anglo-Normannorum*, *passim*.

dependent partly upon labour service but also very extensively upon money-rents.¹

But undoubtedly the main importance of this text lies in the light it throws upon the general problem of the early hundred. Though the list in the document of hundreds divided into 'manslot' has been noticed, its significance has, I believe, never been realized. For the important point to note about these hundreds is that they are not Domesday hundreds at all.² Moreover, it is possible to locate them with some certainty. For Lynn, Clench-warton, and Islington³ are a group of closely related villis in Marshland, Norfolk, whilst the six-inch ordnance map reveals the existence of six (Spellow) fields between the two latter villages.⁴ In the boundaries given at the end of the list we are once more brought back to the same region, for (Long) Sutton is in the Lincolnshire section of the district, whilst a line drawn 'norð into sæ' from Wallington⁵ marks to-day the eastern boundary of Marshland. We are clearly in these hundreds dealing with a much smaller entity than the large hundred of the Little Domesday, and are brought face to face with a unit which can only be the small Danish hundred of twelve carucates.⁶ Indeed, Sutton and its neighbouring villages made up such hundreds both in Domesday and at the time of Henry III.⁷ The inclusion of Norfolk villages in the same scheme brings them very remarkably into line with the Danelaw arrangements.

¹ Apart from the question of rents the document has very little to tell us of the tenures on the abbey lands. One phrase, however, perhaps deserves a special comment. The 'eorde land' (? arable) at Bury itself is divided into that which lies within the borough and that which is termed *manna earningaland*. It is perhaps somewhat tempting to assume a scribal error for *eringland* based on a confusion of 'n' with 'u'. But if we prefer the more difficult reading we may note that *earningaland* itself is not an isolated term. It occurs also, e.g., in a charter by which Oswald of Worcester grants land for a lease of three lives. After the death of two of the holders *ða nam Ealdulf het and sealde ðam ðe wolde to earningclande* (*Codex Dipl.* dcLxxix). Moreover, there is a possible connexion between the phraseology of this charter and that of a passage in a vernacular translation of the *Soliloquia* of St. Augustine, which suggests that the term might be applied to lands held by some form of privileged peasant tenure. (Kemble, *Saxons in England*, i. 312). The new evidence from the Bury text certainly gives some additional weight to this suggestion, and it would be attractive if we might perhaps see in *earningaland* a Saxon equivalent of those freemen and sokemen tenures which form so important a feature of the Little Domesday.

² The only hundred of the list which bears a name anywhere to be found amongst the hundreds of Domesday is 'Spelhoge', which suggests Spellow hundred in Northamptonshire. But here the abbey never held land and the true identification with another Spellow in another district (see *infra*) is proved by its association with the other hundreds identified in the list and by the estates of the abbey held thereat.

³ D.B. IIsinghatuna, IIsinghetuna (vol. ii, fos. 149, 209, 222, 238, 276).

⁴ Six-Inch Ordnance Maps, Second Edition, Norfolk, Sheets XXXII NE. and XXXII SE.

⁵ MS. Watlingetune (*vide infra*), D.B. Wallinghetuna, Walinghetuna (vol. ii, fos. 190, 274).

⁶ Stenton, *Danelaw Charters* (British Academy, *Records*, vol. v), pp. lxiii seq. One of these hundreds could witness a charter in a corporate capacity in the twelfth century.

⁷ Cf. the remarkable document printed in Stenton, *op. cit.* pp. lxvii-lxix.

When we recollect the manner in which Marshland itself appears in later documents the significance of this is enhanced, for whilst the small hundred does not appear by name in the Little Domesday it is just in Marshland that the East Anglian leets as actual territorial units appear most prominently.¹ In Marshland the bishop of Ely holds his leet of the Marsh. At Walsoken therein the same bishop shares his leet with the abbot of Ramsey and the prior of Lewes.² In Marshland, again, a leet is the subject of an intercommoning agreement in which the bishop of Ely and the abbot of Bury St. Edmunds take a prominent part. Finally, we know that in the time of Richard I the abbot of Bury St. Edmunds held half a leet in Marshland with other co-parceners.³ Later documents in fact exactly bear out the statement of our text that in this district 'ah sancte Eadmund landesdæle mid his landemacan'. The leet in all these documents bears a striking resemblance in size and organization to the small Danish hundreds. When, therefore, an eleventh-century text describes in the same list such hundreds, both where they can actually be seen in Domesday and also in the district where later the leets are most prominent, it is hard not to conclude that there was an identity between the two institutions.

This conclusion is, indeed, confirmed, if the evidence of the Bury Survey be viewed in relation to the fiscal arrangements of the East Anglian Domesday. These arrangements, it will be recalled, are marked by the fact that the geld is assessed not only by hundreds subdivided into geld carucates but also by the same hundreds subdivided into holdings, each of which pays so much to each pound contributed by the hundred. It has, moreover, been shown that these special characteristics may most readily be explained by a parallelism between the two methods of assessment, both of which were based upon what was the fundamental peasant holding of the district, the manlot (i.e. man's share) or bovate. In such a way the hundred consisted of 120 carucates or 960 bovates, and as the pound-paying unit it was made up of 960 farthing-paying entities which corresponded to the manlots of the agrarian reckoning.⁴ Now by this scheme the most

¹ Douglas, *Social Structure of Medieval East Anglia*, pp. 55 seq.

² *Ibid.* and cf. Ramsey Cart. iii. 289, and Maitland, *Selden Soc.*, vol. ii, p. lxii.

³ Douglas, *op. cit.* Appendix I, Nos. 53 and 61.

⁴ *Ibid.* pp. 29-58. These geld manlots had their counterpart in the actual holdings in the fields and probably were the result of the Danish land division in the tenth century. For an etymological argument tending in the same direction cf. Napier, *op. cit.* p. 308: cf. however, Professor Tait (*supra*, 95), for certain difficulties involved in this scheme. I do not think that these are insuperable. It is true, as I have myself pointed out (*op. cit.* p. 59), that the tenmanlot reckonings at Walpole produce a slight variation in the geld calculation. But the present text once more strongly suggests an interconnexion between the leet, the manlot, and the 12 carucate hundred, and it is just here that is most clearly indicated the geld approximation of manlot and

common Norfolk assessment of the leet as paying two shillings to the hundred's pound gives to the leet a geld acreage of 12 carucates, the exact equivalent of the Danish hundreds. Since, therefore, the leet plays the part of a hundred in the East Anglian Domesday Book fiscal scheme, and since also as an actual institution it is to be seen most clearly in Marshland, it is highly significant that this Anglo-Saxon text now not only gives the name 'hundred' to strictly similar entities in Marshland, but also implies a subdivision of those hundreds into 'manslot'. The identity of the East Anglian leet with the small Danish hundred seems established.

The general consequences of this chain of proof in which this document seems to supply the final link are not inconsiderable; for (as was pointed out many years ago in a famous paper),¹ if the leets could be proved to be early hundreds, the disparity between the statistics of the East Anglian Domesday and those of the Tribal Hidage might in some measure be explained. Again, the definite intrusion into East Anglia of such a characteristic Danelaw institution as the small hundred must be taken into account in delimiting the zones of Scandinavian influence in England. Finally, our evidence from this text goes yet further to prove the late construction of the Domesday hundred in East Anglia. It is a matter of some importance that a document not more than thirty years anterior to the Conquest can arrange the land of one of the great abbeys according to the manlots it holds in hundreds which find no place in the Little Domesday.

The evidence of this text reacts also upon any view of the East Anglian Domesday carucate. The carucate in East Anglia appears but very rarely in those documents most nearly contemporary with Domesday,² and in this district it can never be regarded as the typical peasant holding, which was the manlot or bovat. By confirming such arrangements, by omitting any mention of a carucate, this text offers a negative proof of the artificiality of the Domesday carucate scheme in East Anglia. But it supplies also much more important positive testimony which points in the same direction. The remarkable appearance of *hides* at Bury in a document of this date may most probably be explained by a sporadic survival of earlier and pre-Danish conditions. But certainly it does serve also as a strong argument against the antiquity of the carucate in East Anglia.³

bovat. I cannot believe that the fundamental peasant holding of the district had 'no direct relation to the composition of the plough team', or that in the complicated East-Anglian geld system no connexion ever existed between the geld and the agrarian units.

¹ Corbett, *Royal Hist. Soc. Trans.*, New Series, xiv. 213.

² Douglas, *op. cit.*

³ In this respect there is a striking similarity with the evidence from the Northern Danelaw. Cf. Stenton, *Northern Danelaw*, p. 88: 'The appearance of the hide as the

In short, this document appears in many ways in remarkable conformity with the other East Anglian evidence and also with the arrangements which can be found underlying the hundreds and geld carucates of the Little Domesday. It strongly suggests a definite sequence whereby the earlier hides were broken up by the Danish settlement, which introduced the manlot or bovate as the typical peasant holding, and constructed a fiscal scheme thereupon that implied leets corresponding to the small Danish hundreds elsewhere. This in turn gave place to an assessment by large hundreds and geld carucates. But these carucates neither before or after Domesday conformed to the actual facts of East Anglian peasant tenure.

D. C. DOUGLAS.

C.C.C. (Oxford) MS. CXCVII, fo. 106 b.

Hic instat

Her stent ða forwarde ðe Æþeric worhte wið þan abbode on Niwentune. þæt is III sceppe mealtes 7 healf sceppe hwæte an slægryðer v scep x fliccen 7 x hund hlafe þæt sceal beon gære on pridie nonas septembris. Leofstan abbode doð to þis fermfultum an sceppe malt 7 III hund hlafe 7 VI fliccen 7 oper VI to fyllinge into þan ealdan fyrme 7 x cesen. 7 eallswa mycel Brihtric pr'. 7 eallswa mycel Leofstan buton x cesen wane. 7 Ðurstan syflinge to III hund lafe 7 twegen oran into kycene 7 Brihtric XVI penegas.

On Elsington hundred ah *sancte* Eadmund xxvii manslot.

On Spelhoge hundred xlv manslot.

On in hundred x manslot.

On Fuwelege hundred healf ehtepe¹ manslot.

On Ærnehog hundred xxv manslot.

On Clencware hundred healf ehtepe manslot.

On Lynware hundred v manslot.

Fram Apolfes Suðtun to álde Walbec. Fram Watlingetune norð into sæ ah *sancte* Eadmund landesdæle mid his landemacan.

Ures drihtnes hælendes cristes freonáma á on ecnyssa sy gewurpōd þe ængla wuldorheap him sylfum to wyrðscipe gegearawode 7 eac manna wynsum licwlita æfter his | agenan anlicnessan gehywlæhte syllende heom genihtsumlice geofa heofonas 7 eorþan. Swa he nudagum breotanrices fæggran iglandes Eadwearde cynce sealde 7 geuþe ealswa he æror geara his magum dyde ðæra wæs sum æþel 7 wurðful *sancte* Eadmund gehaten 7 se mid Ciste sylfum nu eardað on heofonum.

fo. 107.

Betæhte nu cing se goda Eadward 7 se wurðfulla his mæges mynstere on Bædericeswyrðe Leofstan abbode þæt he bewiste þæt þæt þær wære inne 7 ute 7 he þa þær þus mycel funde x bec inne ðæra circean III cristes bec 7 I mæsse boc 7 I pistelboc 7 I salter 7 I godspellboc 7 I capitularia 7 *sancte* Eadmundes uita. In madmhus XII mæssehacelan 7 nigon cantercæppa 7 III roccas 7 VII stolan 7 XXXIII pella 7 IX weofodsceatas 7 XV superumerale gerenode 7 XXV alba 7 VII setrægl 7 XIII wahrægl 7 III rygrægl 7 II scufrægl

local agrarian unit at Sherburn in Elmet in 963 is a very positive objection to any theory which would assign a high antiquity to the Domesday assessments of the Danelaw.'

¹ 't' interlined.

7 v calices 7 iii offringclapas 7 vii corporale 7 ii storcylle 7 iii marmarstan
gesmiðode 7 iii scrinan 7 xiiii roðan. Blakere hæfð i winter rædingboc.
fo. 107^b. Brihtric hæfð i mæssereaf calix 7 disc 7 i mæsseboc 7 winter rædingboc
7 sumerboc. | Siuerð hæfð an mæssereaf 7 an mæsseboc. 7 Leofstan an
handboc. Æperic an mæsseboc 7 capitularia. Ðurstan an psalter. Oskytel
hæfð an mæssereaf 7 an mæsseboc 7 an Ad te Leuau.

On Sancte Eadmundes byrig beoð xvi hida eorðes landes vi hida into
þæra byrig 7 þa x hida manna earninga land.

On Wirlingaweorðe lið anes monðes ferme mid þan berwica Saham.

On Pallegrafe anes monðes ferme mid þorpa.

On Redgrafe anes monðes ferma.

On Ricyngahale anes monðes ferma mid Stoca 7 Brocaforde.

On Byrtune anes monðes ferma.

On Ruhham anes monðes ferma.

On Elmeswella anes monðes ferma mid Wulpettas 7 Grotene.

On Koccefelda anes monðes ferma mid Ceorlesweorðe.

On Hwipstede anes monðes ferma mid Bradefeldæ.

On Horningasearðe anes monðes ferma mid Rysebi.

On Lecforde anes monðes ferma mid Hyrningcwyll.

On Runcgetune anes monðes ferma mid Culeforde and mid Fornham.

Her syndon xxx boca ealre on Leofstanes abbodes hafona butan
mynsterbec.

On Paccenham anes monðes ferma mid Stantune.

fo. 108.

| *Hic in stat conscriptum quid inuentum fuerit apud Eggemere postquam*
| Her on stent gewriten hwæt man funde æt Eggemere syððan

Cole eam dimisit. Hoc est seofene boues et ahte vacce et fower pascuales
Cole hit let. Ðæt is vii oxen 7 viii cy 7 iiii feld

vituli et equi viles et quinquies viginti oues et fiftene oues inte et
hryþera 7 ii stottas 7 v scora scæp 7 xv scæp under ealde 7

et octies viginti agri seminati et an bacun et an porcus et fower 7 twenti
iunge 7 viii score æcere gesawen 7 i flicce 7 i swin 7 xxxiii
casei.
cesen.

Her stant gewriten hwæt Baldwine abbot hæfð geunnan his gebroþra
to caritatem þæt is ii ¹ mylnegafel æt Lacforde hælf pund æt þæt an 7 xii
oran ² æt þæt oþer. þæt healf ³ pund we sculan habban æt natiuitatem
sanctæ Mariæ 7 ða ² vi oran ² æt sancte Dionisius messe 7 vi oran ²
æt sancte ² Nicholaus. 7 þær sculan eac ii fætte swyn up arisan to smolte
oððe iii oran.

Ðis is seo caritas þe Baldwine abbode hæfð geunnan his gebroðrum for
Eadwardes sawle þæs godan kynges þæt is healf pund æt his geargemynde
to fisce to þan forewardan þæt hi hine þæs þe oþfor gemunon on heora
gebedreddene 7 healf pund to þan timan ealswa ic hider com to mynstre
xiiii kalendas septembris. 7 stande þis pund æfre on godes est 7 on sancte
Eadmundes cume her to se þe cume to minon geargemynde þis feoh seal
arisan of Ixewyrðe þe lið into Pakenhame Æt Uuiges gearimynd abbodes

¹ 'twegra' interlined.

³ 'l' interlined.

² interlined

we sculan habben half pund to fisce 7 feowerti *pund* to mede 7 II mett hwæte 7 þæt sceal risen of Lecforde.

| Ad anniuersarium diem depositionis regis willelmi constituit donnus abbas Balduinus ut nobis eodem die ad pitantiam dentur quoque anno x solidi et in die obitus regine eiusdem scilicet Mahtilde tantundem idem x solidi et debito perpetuo adaugere nobis censuit. Et ut certitudo sit unde hec pecunia scilicet xx solidi debeant omni anno reddi ad opus fratrum ipsemet donnus abbas in pleno capitulo coram omnibus confirmauit quod de manerio¹ quod ipse rex Willelmus pro anima regine prefate dedit sancto Eadmundo solueretur dignum scilicet iudicans ut fratribus in² illorum anniuersariis in uictu aliquid melius fiat quorum mentionem ante deum ipsi in orationibus suis frequenter et ut ita dicam sine intermissione celebrare non trepidant. fo. 108^b.

Ad anniuersarium depositionis diem regis Æduuardi constituit idem supradictus abbas fratribus suis x solidos ad pitantiam ut deuotius eius anime memoriam habeant.

Constituo etiam ego Balduinus abbas inperpetuum tenendum quicunque post me ueniat abbas x solidos ad diem anniuersarium mei aduentus abbatia mihi data. Hoc est XIII Kalendas Septembris. Isti xx solidi debent dari de Ixeuorde que pertinet ad Pakenham.

Ad anniuersarium Uiii abbatis debent fratres habere x solidos ad pitantiam et III solidos et IIII denarios ad medonem et II mensuras frumenti. Et hec dantur de Lacforde.

Hanc caritatem constituit abbas Baldwinus ad natiuitatem sancte Marie scilicet x solidos et VIII solidos ad festum sancti Dionisii et IIII solidos ad festum sancti Nicholai et super hec II porcos pingues aut IIII or solidos ad saginam. Istud totum dabitur de duobus molendinis de Lacforde quorum I reddit x solidos et alterum XVI solidos.

| Ðis is sancte Eadmundes ferme on Byrtune IIII met maltes under masc 7 grut. halmet hwæte ()³ an ryðer. 7 II swin IIII ges xx hennen. Of Ruham ealswa mycel. 7 of Redgraue ealswa. Of Pakenham 7 of Stan-tune ealswa mycel. Of Elmeswelle 7 of Wulpet 7 of Grotene ealswa. Of Herningwelle 7 of Cuneigestune ealswa mycel. Of Palegraue 7 of ðorpe ealswa mycel. Of Horningeseorðe 7 of Risby ealswa micel. Of Kokefelde 7 of Ceorleswurðe ealswa micel. Of Hwepstede 7 of Bradefelde ealswa mycel. Of Wyrlingwurðe 7 of Saham ealswa mycel. Of Rungetune 7 of Culeforde 7 of Fornham ealswa mycel. On Brokeforde 7 of Rikingehale ealswa mycel. Of Tifteshale I met maltes under masc 7 grut ()⁴ 7 I lepenewæte 7 feorðendæl an ryðer 7 an half swin 7 an gos 7 v hennen. fo. 109.

The Earliest Municipal Charters of Coventry

In an earlier volume of this Review⁵ I made an attempt to solve the difficulty presented by the two earliest charters to the burgesses of Coventry now in the possession of the corporation of the city: (1) a charter of Henry II, dated at Marlborough,

¹ 'Werketone'.

² interlined.

³ This word has been cut out of the text.

⁴ About a third of a line has been here erased.

⁵ *Ante*, xxxvi. 50.

reciting and confirming a charter of an earl Ranulf of Chester, and (2) a charter of an earl Ranulf which is shown by its witnesses to have been granted by the third earl of that name (1181–1232) at some date not earlier than 1190, but which contains, with slight verbal differences, five of the nine clauses of the charter confirmed by (1), including a reference to liberties enjoyed in the time of the father and other ancestors of the grantor, omitting two clauses and substituting a single vaguer clause for two allowing low amercement. On the evidence before me, I accepted Miss Bateson's inference that Ranulf III had granted an earlier charter,¹ but with some misgivings, I confess, because there was nothing to show that she was aware that such a first grant must have been made while he was a minor in the wardship of the king. Ranulf was only eleven years old at the death of his father on 30 June 1181. On the other hand, Henry was at Marlborough in 1186 and perhaps as late as 1188, and it seemed conceivable that the young earl, now approaching manhood,² had, under the king's influence, granted a charter which Henry then confirmed. In his full age, perhaps some years after attaining his majority, he might have become dissatisfied with it in some respects and have re-issued it in a modified, somewhat less liberal form. These hypothetical considerations were rudely disturbed when, a year or two after the appearance of the note, the late Dr. Farrer called my attention to an important entry on the Pipe Rolls which I had unfortunately overlooked. At Michaelmas 1182 the men of Coventry accounted at the Exchequer for twenty marks 'to have the king's confirmation of their liberties' and paid the full amount into the treasury.³ It is impossible to doubt that they were paying for charter (1), and as Henry was at Marlborough in January of that year and was abroad from March onwards, its date seems sufficiently fixed.

The discovery that the royal charter of confirmation was granted so early in Ranulf's minority renders inadmissible the supposition that he was the grantor of the charter confirmed by Henry, and leaves us no alternative but to accept Dr. Farrer's conclusion that the actual grantor was earl Ranulf II (1129–1153).⁴ The earlier date certainly suits better with the clause allowing new settlers in the town to sit rent free for two years (which was dropped in Ranulf III's admitted charter), and with the full form 'portmannemot' for the 'portimot' of the late twelfth-century document. It is true that at least one clause of the earlier charter does not occur in other charters of the first half of the century,

¹ *Ante*, xvi. 98 where the charter is printed.

² He was born in 1170.

³ *Pipe Roll*, 28 Hen. II, p. 96.

⁴ *Honors and Knights' Fees*, ii. 280. It could not be Ranulf I, whose father was not earl of Chester.

but their scarcity forbids the application of the negative argument. There seems, moreover, to have been a tradition at Coventry that their earliest charter emanated from Ranulf II, for when Messrs. Riley and Jeaffreson inspected the archives of the corporation for the Historical Manuscripts Commission, they found the date 1153 assigned to Ranulf III's charter and accepted it without checking it by the names of the witnesses.¹ What had happened apparently was that the definitive charter of the third Ranulf had replaced and caused the loss of that granted by his grandfather, and had in time come to be regarded carelessly as the latter itself.

The retention of the reference to the earlier grantor's father and ancestors in his grandson's charter must be explained by the twelfth-century practice of confirming charters by regrant more or less in the exact words of the originals, and sometimes with no indication that there was a regrant except the name of the grantor, which in this case was the same, and the names of the witnesses, which are omitted in Henry II's confirmation.

With its new date, the charter confirmed by Henry takes its place in the very select company of charters which are known to have been granted by mesne lords to boroughs before 1154, of which there are only six others, and its contents add something to our knowledge of the privileges extended to towns in the first half-century of charter-giving.

JAMES TAIT.

The Diary of John Greene (1635-57)

IN or about the year 1565 one 'John Greene Esq.'² bought the 'lesser manor' of Bois-hall, Navestock,³ where he built (according to family tradition) a fine house with a great hall in which a coach and six could turn round. By his wife, Katherine Wright, Greene had sixteen children, and the pair lived to see a hundred and eleven descendants. Some twenty years later, finding perhaps that even the great hall was overcrowded, the patriarch bought the manor of Shelley (near Chipping Ongar) from Robert, Lord Rich, and is believed to have built the Hall, part of which is dated 1587. Greene died in August 1594, aged 89, and was buried at Shelley.⁴

¹ 1st Report, App., p. 100; 15th Report, App., part ix, p. 109.

² Nothing appears to be known about the immediate forbears of this John Greene, but he claimed to be descended from the 'ancient family of Greene of Greene's Norton', Northants, and bore their arms, in a field azure three bucks trippant or. In a privately printed account of the 'ancient family', there is no mention of an Essex branch. Greene himself is described in a seventeenth-century copy of the family tree as the 'Grand Stemme'. Cf. the pedigree in *The East Anglian*, iii. 86.

³ Navestock is a small Essex village about twenty miles from London and five miles from Chipping Ongar.

⁴ Shelley Hall, much restored and modernized, is still standing. The church is modern, but two ancient memorials of the Greene family have been placed on the walls of the porch.

The sixth son, Thomas, went into business, and became a member of the Haberdashers' Company. Presumably he was a prosperous haberdasher, for his eldest son, John, was sent to St. John's College, Cambridge, and afterwards admitted to Lincoln's Inn. He had a successful career as a barrister, being made judge of the sheriff's court in 1634, and serjeant-at-law in 1640. By his wife, a daughter of James Blanchard, 'citizen draper of London', he had six children ('besides some few that died young'¹), two sons and four daughters. The elder son, another John (born 28 October 1616), was educated at a school at Brentwood, and admitted as a fellow-commoner to St. John's College, Cambridge, on 6 March 1631-2. At the beginning of 1635 he was keeping his terms at Lincoln's Inn, and dining in Hall, though he spent a good deal of his time at home with his parents. He had already begun to keep a diary, a practice which he seems to have kept up throughout his life. For this purpose he used the pages of the tiny almanacs which were issued by the leading astrologers of the day. Eleven volumes of the Diary have survived, ranging—with gaps—from 1635 to 1657. The Almanac for 1635 (published by Richard Allistree) contains little except jottings, such as 'I at home', 'I at Commons', or 'Father in the country'. But a few entries may be worth quoting for the light they throw upon the amusements and occupations of a young man about town at that period.

Thus in January we hear of plays being 'done' at the Temple and Gray's Inn, of gambling (with 'magna fortuna' and 'mala fortuna'), and in February of visits to Blackfriars Theatre or the Cockpit where John saw *Rule a Wife and have a Wife*,² *The Elder Brother*,³ *Truth's Triumphs*,⁴ and the *Malcontent*.⁵ On 14 February he had 'noe valentine', but on the 20th 'our perrets arrived from bermoodie'. In March he saw *The Changeling*⁶ and *The Inconstant Lady*,⁷ and had the 'swine-fever'. In April he saw *Ffalstafe*,⁸ and had 'red silk stockings' and 'new cutworke band, cuffs and bootetops, cost £2'. The entries continue:

• . . . [May] The 11 of this month ther was an order made that none should dine or sup in the hall [at Lincoln's Inn] without their gowne under paine of sispension,⁹ and this night Mr. Dockrey came in his cloake. The

¹ Quoted from his monument in Navestock church.

² By Beaumont and Fletcher.

³ By J. Fletcher.

⁴ Probably *The Triumphs of Truth*, by T. Middleton, 1613.

⁵ By John Marston.

⁶ Ascribed to Heywood.

⁷ The only play of that name mentioned in the *Stage Cyclopaedia* is by Arthur Wilson.

⁸ *The Merry Wives of Windsor* (?)

⁹ A Mr. Nichols had come into Hall wearing a scarlet coat. Being admonished by a butler sent from the bar mess to depart he did strike the butler and used often to come to meals with a sword under his gown. Black Books of Lincoln's Inn. Council on 21 April 1635.

steward and butler saw him and said nothing. The 13 of this month was the georging shew.¹ My sister and wee stood at Hercules pillars² at Sir John Hanbury's³ lodging. [14] Noe communion whit sunday. Noe exceedings. We have plum broth. [28] Wee have plum pottage and wine. Exceedings.

[June] 10 I at a play. Wit without money.⁴ Item the 12th of this month bish⁵ went to our house and saw my sister and likt her and she likt him. Item: the 11th day at night Mr Herne [Heron] was put out of commons for some ill words to the bench. The 12th being fryday dinner they were pretty quiet.⁶ Item. The 13 being saturday, all the gentlemen almost, very few excepted, only benchers' sons and barristers, went up to the benchers (Coe⁷ and Garland⁸ being ringleaders) to have them put Mr Heron, barrister, in commons, who had been put out two days before. The bench took time, and Coe, Garland and some more of the chiefs were warned to come to the Councell at night. At night when the Councell was sitting Mr. Scroope⁹ and three others went up which were not warned. Mr Scroope had a great hand in the business and spoke much at the councell, but the Councell differed it a little longer. That night after Councell, the bench table was broke and the benches by some, but were mended by Sunday dinner. All sunday they were pretty quiet—on monday all quiet. But Mr Garland and some more were warned to appear before my lord Justice¹⁰ and Judge Jones¹¹ on wednesday night and committed to the King's Bench. Scroope and many others sispended, namely all those which were committed, namely Garland, Heron, Coe and Selwood, and Mr Southcott was suspended also. Noe affronts done all this while. On fryday the

¹ The 'gorging shew', an entertainment at which men ate against each other for a wager or prize.

² Hercules' Pillars. A tavern near Hyde Park Corner, mentioned in *The Plain Dealer* and *Tom Jones*. There was also a Pillar of Hercules Alley off Fleet Street in which stood a tavern of that name, mentioned by Pepys.

³ Sir John Hanbury had married a Greene.

⁴ By Beaumont and Fletcher.

⁵ Edward Bysshe who became Greene's brother-in-law.

⁶ The description of the riot which follows is corroborated by the Black Books of Lincoln's Inn (vol. ii, 13 June 1635). It appears that a Mr. Love had been expelled for beating and pumping upon the porter. Mr. Edward Heron (an 'utter barrister') was put out of commons, and fined £5 for 'helping to pump the Porter', and afterwards boasting and glorifying in it. A determined effort was made by the students to get the sentence remitted. The matter was brought before the Lord Chief Justice, who committed Herne, Coe, Garland, and Selwood to the King's Bench prison. The masters of the Bench suspended Adrian Scroope, George Southcott, and James Medhop. On 4 November the six gentlemen sent in a very humble petition, and on the motion of the Recorder Selwood, Garland and Coe were discharged.

⁷ Isaac Coe of Shardlowes, Essex. He was a member of Lincoln's Inn, and in 1649 sold his manor to John Greene.

⁸ Augustin Garland the regicide. He was a member of Lincoln's Inn, and his father, an attorney, had property in Essex. He was chairman of the committee chosen to consider the method of the king's trial and signed the death warrant. He was condemned to death in October 1660, but the sentence was not carried out. He was sent to the Tower and his property was confiscated (*Dict. of Nat. Biog.*).

⁹ This was probably Adrian son of Sir Adrian Scroope (or Scrope) of Lincoln. He was admitted a fellow-commoner of St. John's College, Cambridge, in May 1632, and fought on the Royalist side. He was a distant cousin of the regicide.

¹⁰ Sir John Bramston (1577-1654).

¹¹ Sir William Jones (1556-1640), a barrister of Lincoln's Inn. He was judge of the King's Bench 1624-40 (*Dict. of Nat. Biog.*).

19 I supt with them at King's bench, and was very sicke there when I first come and was sicke all the while. I stayed till eleven a clocke. There was Robin Greene, Glasscocke and Harris and Delaval¹ and Mr Noy,² Ewers a prisoner, etc. besides the 4 prisoners. Saterday the 20 Mr. Heron and Mr. Selwood went out and were released.³ On sunday the 21 I was there after dinner with Mr. Garland and Mr. Coe. Many more were there—My lord Chief Justice's two men. On munday morning Mr Garland and Mr Coe were releast, but bound to their good behaviour. Noe stirring . . .

[July] General Observations.

The 1 of this month Mr Greene's buisnesse is heard and referred to My Lord of Canterbury. Cherries now at best this 4th day and at 2½d. a pound, peas grown out, Artichoakes not full ripe, strawberries very cheape, rabbits pretty big . . . The 5 of this month being sonday wee went to Greenwich, Tom Greene and Jo. Baines and I. Our bote hire cost just 8/ forward and backward. Wee went to Mr. Woodson ther, and saw some gardens and such like . . . The 21 of this month was the shew of the artillery . . .

August Mr. Mason⁴ Recorder Reading.

The 1 of this month being saturday, before the reading, pots were broke at dinner by the gentlemen, and the reading had like to have broke up by reason of gentlemens going out of commons, but some of them, namely Mr Floyd, Mr Petters and Dunville went to Mr Reader and he pacified them. At night they 3 and some benchers' sonnes supt there and the next day dined there. Our exceedings all this reading have been very great. Every flesh day dinner venizon and some other dish, besides either pullets, veal, tongs, ducks, pigeons or the like, and every supper 2 dishes, sometimes pigeons and rabbits, pullets and ducks, chickens and boyled rabbits.⁵ On fish day hortichocke pie and sturgeon. On the grand days the gentlemen carried up his [the Recorder's] meat and ther were sewers. On the 4th day being fryday he [the reader?] went out of towne, 100 gentlemen with him to Braineferd [Brentford]. I and my father went to hide park with him. Mr Preston was his puiny [puisne] reader . . .

[16] On fryday my mother and sister Peg came to towne, and on Saterday marriage resolved on, and on fryday being the 16th Mr. Bladwell and I were admitted in the dancing school. I first . . . [17] Venizon feast at bowling greene. Marriage concluded by Mother. [Oct. 26] Match almost off again.

¹ Possibly Wm. Delaval, son of Ralph Delaval Kt., admitted pensioner St. John's College, July 1633.

² Humphrey Noy (or Noye) second son of William Noye, Attorney General to Charles I. Humphrey (1614-79) was a member of Lincoln's Inn, and fought on the Royalist side.

³ Probably on bail.

⁴ Robert Mason (1571-1635), a student of Lincoln's Inn. In 1635 he was Recorder of London. He published *Reasons Monarchie*, *Reason's Academie*, and other works (*Dict. of Nat. Biog.*).

⁵ It will be noted that there is no mention of butcher's meat, which was now very dear. In April the steward of Lincoln's Inn had petitioned for an extra allowance on account of the high price of beef and mutton. He was only allowed 1s. 4d. for a loin of mutton which cost 1s. 8d., and 2s. for a stone of beef which cost 2s. 4d. He was granted an Aid-Roll of 6d. from every gentleman who had been there for the Trinity term, and this Aid-Roll seems to have been continued for a time. It is evident that the steward still found it necessary to provide poultry and game rather than beef and mutton (Black Books).

October 28 1635 . . . being Simon and Jude's day . I am just 19 yeare old. John Greene 1635 . . . The 28 of this month, being my birthday, Douse, Preston, Tindall, Bladwell, Petters and I supt at Banke house at the greene dragon in Cheapside . . . On saturday Smith came to towne and in commons only. On Saturday Tindall admitted in the dancing schoole, and Smith paid quarteridge and began to learne. On monday also I had my new neate Leatherbootes and galossoos . . . On the 31, being all Saints Eve, wee had fire in the hall, noe gameing, noe revells. We had musicke and mirth and solace and the measures. It was fasting night.

[Nov.] On the first of this month, being sonday and also All Saints day the judges dined here. Solace was song and measures danst, and alsoe after supper. I danst the measure after dinner. Coe and I went to Glassecocke; Mr. Parsons and Mr. Petters sewers. Judge Jones sent me March-paine. At night wee had exceedings. Rabbits and tarts.

[Nov 5.] . . . being thursday, my sister Margaret was married to Edward Bysshe,¹ sonne of Mr Bysshe, bencher of Lincoln's Inne. Mr Tuke married them. They gave noe gloves, favours cost about 2/2 a peece. They had a little plate given them. It was a gameing night in the hall at Lincoln's Inne. Ther were a great company at her wedding, 9 or 10 of Lincoln's Inn. Wee are all ther the 2 days dinner and supper, all the batchelors (?), wee were at a play, some at cockpit, some at blackfriers. The play at cockpit was Lady of pleasure,² at blackfriers the conspiracy.³ On saturday the 7th wee had revells at Lincoln's Inne.

[10th] I at lottery and dance. Corrante in musicke. [16] A great tide, water in Westminster Hall . . . [18] A red deare pie in Petters chamber. 19 I sicke at stomach. 20 I ill all this day. Not at home. 21 I at home, pretty well. I saw the revells. The Palgrave⁴ came to towne and went to Whitehall in his coaches. 24 I saw Palgrave at court . . .

[Dec.] On the 4th of this month being saturday after supper wee had noe mirth and solace, but Mr. Chamber and 4 couples danst the measure. After they were done 4 benchers came into the hall and we had songs as usual; nothing else, noe gameing . . . On the 25 of this month the queene was brought to bed of princesse Elizabeth. On the 30th sister penrice.⁵ gave me my counterfeit hat band for a new yeere's gift. It cost 2/6. On the 31 being thursday our kindred's feast was kept . . . On this 31 Mr Halsey gave me a black whalebone stick for a new yeare's gift.

The next volume of the Diary that has survived is dated 1643. John Greene, now in his twenty-seventh year, was living with

¹ Edward Bysshe (1615(?)–79) was the eldest son of Ed. Bysshe of Burstow, Surrey, and a barrister of Lincoln's Inn. He was M.P. for Bletchingly in 1640, and in 1645 it was voted in the house of commons that Bysshe should be Garter King of Arms and Clarenceux King of Arms. After the Restoration he had to resign his posts, but obtained a patent of office of Clarenceux King of Arms in consideration of his having preserved the library of the College of Arms during the usurpation. He was knighted in 1661. Wood speaks harshly of him in *Athenae Oxon.* It was said that he was a great encourager of learning and understood armoury very well, but 'could never endure to take trouble about genealogies'. His wife survived him (*Dict. of Nat. Biog.*).

² By James Shirley.

³ By Henry Killigrew.

⁴ Charles-Lewis, the young Elector Palatine, son of the Winter King.

⁵ John's eldest sister Hannah was married to John Penrice of Crowle, Gloucestershire.

his father (his mother had died in 1640) at a house in the Old Jewry in term time, and at Bois-Hall in the vacations.¹ This volume, like the succeeding ones, is prefaced by a short, non-committal survey of the political situation. Briefly, it may be recalled that the battle of Edgehill had been fought on 23 October 1642, and the king had retired to his winter quarters at Oxford. Essex, thanks to its inclusion in the Seven Counties (or Eastern Association) organized by Cromwell in the parliamentary interests, had felt but little of the hardships of civil war.

The Greenes were almost certainly royalist in their sympathies, but owing to their position and circumstances they were compelled to throw in their lot with the parliament.² From the Diary it would be difficult to tell what opinions young John really held, except that he was against a war 'merely for religion'. He seems to have developed into a serious-minded young man with domestic tastes and rather delicate health. Judged from the standpoint of 1635, life in London had become extremely dull, the theatres having been closed in 1642 and the Book of Sports burnt by the common hangman in 1643. John's spare time—we hear very little of his work—seems to have been spent in hearing sermons, attending family parties, studying the weather forecasts and brooding over the bills of mortality for London, more especially those which recorded the deaths from the plague.³

The Almanac for this year is edited by John Booker, an intimate friend of William Lilly's, and one of the leading astrologers of the day.⁴ The survey of the events of 1642 is written on the fly-leaves of the volume.

Gloria Deo in Excelsis. Wee have now lived another yeere by the Providence of almighty God. This time twelve month I remember well that we did not thinke the Kingdome could possibly subsist another yeere without an accomodacion. The yeere is now at an end ; noe accomodacion yet probable, and though 'tis true, I believe, that neare 10,000 men in one place or other hath fell this yeare by the sword, and many particular places, citties, townes and private families have felt some miseries of a civill warre, that generally the kingdome hath not felt the extremity of it yet—many scarce in their purses—the burthen hath as it were, wholly yet lain upon the willing horse, the Citty hath chiefly supply'd the Parliament and the particular men, and the Queen's negociations with the Crown jewels⁵ and some particular Counties, especially South west, have supply'd

¹ He had been called to the Bar on 12 November 1639.

² Their connexion with the city, and their position as landowners in Essex.

³ The last great outbreak of plague in London had occurred in 1625, when over 35,000 had died in the city.

⁴ Pepys mentions meeting Booker at Lilly's house on 24 October 1660. Booker told him a great many fooleries which might be done by nativities and blamed Lilly for writing to please his friends and not according to the rules of art (*Pepys's Diary*, ed. Wheatley, 1904, i. 248).

⁵ The queen had gone to Holland, where she pawned the Crown jewels, and laid in a stock of arms and ammunition.

the King. But wee begin now to see that a Kingdome, according to human discourse, is not soe easily ruinated, and will commonly hold by stronger rootes than wee imagined ; we may hold out, if God have not determined otherwise, 2 or 3 yeare longer at this rate—only grown poorer and poorer. Probably God hath a mind to humble us for our late pride, excesses and Superfluity and to reduce us to a lower Condition. God's will be done ; it may be for the best. One comfort however is, that if things hold at this distracted rate long, wee should all be willing to loose our lives before wee need to loose them. I must confesse I see little hopes of any accomodacion, least of a final victory on either side yet. God's opportunity is man's extremity. Well, God grant I never see it made a warre merely for religion, nor that either side may use forreigne auxiliaries and men. Dabit Deus his quoque finem.

The Diary proper begins with a few notes about the weather and the aspects of the moon and continues :

... On twelf night my Coson Glassecock and his wife¹ sup heere. We play at cards till 4 a clocke in the morning. I loose £3 14 at 1d. and 2d. stakes . . . 19th. There are now divers reports of strange sights seen, and strange noyses heard at Edgehill where our last battle was fought ; in the place wher the King's army stood terrible outcries ; wher the Parliaments [stood] music and singing Psalms² . . . 20th. Father at the Parliament about his assessment³ . . . 23rd This week they distrained some drapery shops in paull's Churchyard for the assessment of the 20th part, as Mr Price £200 worth of cloth, and Mr Gore : and carried it away in a cart. 29th I at an Italian sermon. Nota : There be sermons every sunday in the afternoon from the first sunday in Michaelmas terme till Easter in Mercer's Chappell. Several preachers in the morning ; there is an Italian sermon there and a Spanish sermon every tuesday morning at the church by the Exchange from the fast time to Easter . . .

[Feb.] On the 15th I open two defaults before Judge Reeves at trialls at Guildhall. On the 16th there dye but one of the plague, and in all but 216 of all diseases. Nota : This month my brother Goddard⁴ and I learne astronomy and the use of the globes—wee give 30/ a month betwixt us—he comes but three times a weeke—of one Mr Gunton . . . 17th. Trialls at Guildhall. I at Sergeant Jermin's Chambers.

March 11th. I give over the Mathematics. 12th I at Mercer's Chappell. 13th My father heard that he is assessed at 10/- a week by the order of the weekly assessments . . . 6th My father matted the chamber and the

¹ Through his cousins the Glasscocks, Greene was very distantly connected with the Pepys family. The Glasscocks were Essex people (they lived at Bedles Hall), and Joanna Greene married James Glasscock in 1577. Mary Cutter (or Cutte) married Francis Glasscock, and her sister Judith married Richard Pepys, Lord Chief Justice of Ireland. In July 1661 Pepys mentions that his cousin Glasscock, though himself very ill, is gone into the country to his brother, John Glasscock, who is dying there. (*Diary*, i. 68, ed. Wheatley, 1904).

² Cf. *The Verney Memoirs* (ed. 1904), i. 275.

³ As a contribution towards the expenses of the war, parliament had directed the assessment of all persons in London and Westminster who had refused to contribute of their own free will. They were to be taxed at a rate not exceeding five per cent. of their estates, Gardiner (*History of Great Civil War*, i. 65, ed. 1901).

⁴ Greene's sister Mary was married to Guybon Goddard, of Flitcham, Norfolk.

hall. The last sunday of this month our new minister Mr Hignell preacht, who was put in by order of Parliament and Mr Tuke put out.¹ 22. *Je songe qu'elle est laide.*²

[April] 3rd. I to Sussex to Sergeant Jermin's and saw Portsmouth and Chichester and returned about the 14th day to London with him and his daughter, Mrs Mary, who came to our house and lay there. 17th. Wee at Spring Garden. Wee buy wedding cloths. On the 24th of this Aprill I was marry'd, by Mr Doctor Jermyn to my wife Mary Jermyn,³ eldest daughter of Phillip Jermyn, Sergeant-at-Law. The wedding was kept at my father's house in the Old Jewry very privately, none but brothers and sisters and a friend or 2 more were at it. My wife expected an ague upon Sunday and Tuesday, and that was the reason it was done on Monday, the Wednesday after being fast day. On Tuesday, the day after my wedding we went to the Mermaid⁴ in Bread Street to dance and to be merry, where Musick met us. Nota: My father Greene and my father Jermyn put on their scarlet robes at my wedding; it was my father Jermyn's desire. 27th. Wee to visit my wife's family. 28th. Reading surrendered.

[May] Nota: this was a very cold Spring and dry northerly winds. On the 2nd of May Cheapside cross was pulled downe and the images; ther were many souldiers and a troope of horse for to keepe the peace, and when any of the images were pull'd downe the trumpets sounded and there was great shouting. The crosses also upon Paul's and the tops of other churches were now taken downe . . . On the 11, being Ascension Day my syster Goddard's eldest son, Thomas, christened. My father, my coson Sheffield and my Aunt Blanchard gossips. Mr Higgins christened it without the signe of the crosse . . .

31st. The fast day.⁵ At Uncle Jermyn's church all day.

[June] Nota: the Proclamation went out to adjourne Trinity terme, and it was expected that the King would send word to the judges but no word came, soe that the whole terme held, but noe commons at sergeants Inne till the latter part. All the Courts of Equity have been held at Oxford these three termes . . .⁶

[July] On the 4th being tuesday, I at the triall of Mr Abbot and Mr Blinkhorne; they were condemned to die by Martial law. On the 5th day Mr Tompkins and Challenor were executed for the same offence, being condemned the weeke before⁷ . . . 14th. I take my wife's height by the chimney in our chamber. About the middle of this month the certain news of Sir William Waller's defeat⁸ he having had a victory before. It struck great terror generally, and men were much disheartened with it that were for the Parliament, and the opinion the King would prevaile now stronger than ever, the Citty being much troubled . . .

¹ The Rev. Thomas Tuke (died 1657). In 1617 he was presented to the vicarage of St. Olave's by Jewry. On 16 March 1643 he was sequestered, plundered, and imprisoned for his adherence to the king's cause (*Dict. of Nat. Biog.*).

² It is to be feared that this apprehension referred to his future bride.

³ The bride was aged fifteen years and eight months.

⁴ This was the Mermaid of Beaumont and Ben Jonson.

⁵ During the Irish Rebellion fasts were held on the last Wednesday in the month.

⁶ There are only a few lines in cipher for the remainder of June.

⁷ Chaloner and his confederates were implicated in Sir Edmund Waller's conspiracy against the parliament.

⁸ At Lansdowne.

The end of the month the excise came out,¹ and the Irish declaration.² The parliament very busy in raising new forces under my Lord Manchester and Sir William Waller.³

[Aug] The news of Brystow being taken the beginning of this month,⁴ all the rest of this month noe news almost—only the siege of Glocester. Nota : My wife was borne on the 26th day of August, 1627, soe that she is this present 26th of August 16 yeeres of age . . .

[September] On the 2nd of this month my brother and syster took ship at Lee in Essex to goe for Rotterdam. I received a letter of their safe arrivall on the 14th. They were 2 dayes agoing. Every friday by 4 in the afternoone I may send my letters to Abrah Chamberlayne to be convey'd to them. To be directed to Mr Roger Hartley in Rotterdam . . .⁵ 28th The Citty forces returne from Reading, being met by the Mayor and Aldermen after their fight by Newbury⁶ . . .

[October.] His Majesty's proclamation came out to appoint a fast the 2nd friday in every month, and to make void the other fasts, the cessation in Ireland being concluded. On this Simon and Jude's Day no Lord Mayor's Shew, only a dinner at Sir John Wollaston's, the Mayor's house, and some of the companies dine there, and the shrieves and Aldermen at dinner. On the 30th I at the Committee at Haberdasher's Hall for my £40, but I was not heard : this 30th was the Day that the Lord Mayor's Show should have beene, but there was none, only the Aldermen ride in state to the Lord Mayor and dine there . . . 18th Our greene regiment goe out⁷ . . . 25th I at Aldermanbury Church all day . . .

Nota : that all this part of the terme from the 18th of October to the 28th which was kept ther was none but Judge Bacon in the King's Bench and Judge Reeves in the Common Pleas ; no commons in the Innes of Court or at Sergeant's Inne. There was a messenger also came with writs to have adjourned the part, but he was taken before he delivered his writs and hanged by a Council of Warre for coming as a spy without a trumpeter.

[Nov.] 12th Our minister Mr. Hignell dy'd . . . 28 The King's forces in Sussex. We heare my father Jermyn is plundered. . . .

[December] 14th I had a bill from Mr Martin the apothecary. It came to 8/ in all, 3/6 the julip, 2/6 the playster, 2/ the powder. I offered his man 7/-. He refused it, soe it is still owing. About the beginning of this month the King grow strong about Sussex and Hampshire. Wee conceive his designe is for Kent, and 'tis feared suddenly for London before the Scots come in, especially if he can prevayle to goe into Kent . . . 13th Mr Pim buried.⁸ . . . 26th Dine at my Lord Mayor's. 28th Wee a feaste at dinner. Nota : this Christmasse ther were, I was certainly informed,

¹ The assessment not having proved sufficient, the excise duty was introduced.

² Charles had negotiated a year's cessation of arms with Ireland, and ordered the Duke of Ormond to send over ten regiments to England.

³ On 24 July the Greenses went to Bois-Hall for the long vacation.

⁴ Bristol had surrendered to Prince Rupert on 25 July.

⁵ Sarah Greene married Ch. Chamberlain, citizen and merchant taylor of London.

⁶ After Essex's victory at Newbury on 19 September, he and his 'Trayned Bands and Auxiliaries of London marched home in full companies and were welcomed by their friends ; and met by the Lord Mayor and Aldermen at Temple Barre' (May, *Hist. of the Long Parliament*, p. 288).

⁷ Hampden's regiment of green-coats.

⁸ John Pym died on 7 December and was buried in Westminster Abbey.

divers Ministers who preached against the observing of Christmas Day, and that it was lawful to doe any worke upon it as upon any other day in the yeare. Wee had noe communion at our church nor noe sermon in the afternoone.

E. M. SYMONDS.

(*To be continued.*)

Two Unprinted Letters of Henrietta Stuart, Duchess of Orleans

THE two letters following this note¹ were unknown to Madame's biographers² and, so far as can be ascertained, to earlier historians. It is, indeed, almost certain that they have remained undisturbed at Ugbrooke, the home of Clifford, the Lord Treasurer, since he returned there for the last time in August 1673, to die in the following October. By tradition they have always been kept in a magnificent wooden dispatch-box, known to have belonged to the Treasurer, which contains, further, the original of the secret treaty of Dover and some connected documents. In 1829 Lingard saw the treaty and printed it, but from correspondence at Ugbrooke it is tolerably clear that it alone was sent for his inspection: had he seen these letters and other papers, both his general narrative and his reproduction of the treaty would hardly have taken the precise form they did. If it is asked how a letter directed to Arlington reached Ugbrooke, a relevant reply is that Charles II's original warrant, endorsed by Arlington, empowering Clifford, Arundell, Bellings, and himself to conclude the treaty, is also there, and that any wish to keep compromising documents about him is not in keeping with Arlington's character.

The two letters have this in common, that they are the only direct evidence for those communications between Madame and the 'Catholic' councillors of her brother, on which we have so much indirect information. Politically, that to Arlington is of substantial importance, for it is satisfying proof of that close understanding between his sister and his real minister of foreign affairs, for which Charles long actively worked, and which was the necessary preliminary to the secret treaty. All Arlington's previous history made him suspect to the French. In 1662 Louis had protested against the rumoured appointment of this 'pensioner of Spain' to the Paris embassy.³ 'Espagnol par lui-même et Hollandais par sa femme', wrote Ruvigny five years later;⁴

¹ They are printed here by the kind permission of the Hon. Charles Clifford, the present owner of Ugbrooke.

² Baillon, *Henriette Anne d'Angleterre, sa vie et sa correspondance avec son frère Charles II*, 1886; Cartwright, *Madame*, 2nd ed., 1900.

³ Louis to Destrades, 12 February 1662. P. R. O. French transcripts.

⁴ 21/31 October 1667, *ibid.*

'devoted' to De Witt's interest, was Lionne's view even in February 1669.¹ This letter but strengthens a chain of evidence leading to the conclusion that the alliance was made with great hesitation and reserves, and was never freed from an atmosphere of suspicion. The first English overture, taken over by Arundell in March 1669, said nothing of a Dutch war, but a good deal of a pledge to be given by the French to abandon for a year the building of warships.²

The dropping of this stipulation by the English, at latest by the time of Arundell's second mission in late September, was one sign of the diplomatic revolution, or surrender, indicated by Madame's letter. She, as an old friend of Buckingham, had fully shared the French distrust of Arlington, and the slow but decided change in her opinion is demonstrated in her correspondence with Charles II and in Arlington's with Ralph Montagu, the ambassador at Paris. The king assured her that the secretary would be 'as forward in the matter as I am'; the ambassador could point, among other things, to good offices done in getting Henrietta a little money.³

Writing on 30 June, Arlington had told her that he was 'bon Anglais',⁴ and one agreeable point about the present letter is that it shows Madame, in her own way, to be the same. Louis XIV's coldness to her this summer, on which she comments, was noticed also by Montagu; in large part it turned upon one of the perennial crises in her relations with Monsieur. As for the suspicions of the French attitude which she now shared with Arlington, anything more than probable conjecture is difficult, lacking as we do the whole correspondence. The particular 'soubson' of the moment may refer to the prevalent rumour of a coming victory for Buckingham in his rivalry with Arlington, a victory which Madame had now learned to deplore, as much as did De Witt;⁵ it may allude to the wider French negotiations for a partition of the Low Countries with Holland, or for a *rapprochement* with Spain.⁶ More probably, the allusion is to Colbert's open intention to stir up agitation against Arlington in the forthcoming session. For the immediate mention of Clarendon recalls the facts that dread of the exile was a stock obsession in Arlington, as an exaggerated view of the Clarendonian interest in parliament was in the French ambassador.⁷

¹ *Recueil des Instructions données aux Ambassadeurs de France, Hollande*, i. 284.

² Clifford MSS.: see also Colbert's letter of the 5 December in Mignet, *Négociations relatives à la Succession d'Espagne*, iii. 117.

³ Cartwright, pp. 287 *et seq.*; *Montagu House Papers, Hist. MSS. Commission*, i. 422-35, *passim*.

⁴ Mignet, iii. 90.

⁵ Temple to Arlington, 8/18 October 1669, State Papers, Holland, 185, fo. 160.

⁶ Arlington, *Letters* (1701), ii. 279.

⁷ *Montagu House Papers, loc. cit.* pp. 432-5; Mignet, iii. 98.

English ambitions to share the legacy of the Spanish empire had sunk much too deep for Madame to counteract the temptation dangled before the Cabal by Louis XIV. In this cause the pro-Dutch and protestant secretary, Trevor, was just as ardent as the ministers admitted to the Catholic scheme, one of whom cheerfully minuted on his copy of the draft treaty that 'the charge will be defrayed and America His Majesty's'.¹

Madame's letter to Clifford is more personal in its interest. It is, it seems, the only letter of hers extant which was written in English; it is, moreover, one of the very last we possess from her pen.² For she died at St. Cloud on 30 June. The favours promised by Charles for Arlington and Clifford were, without much doubt, the earldom of the first and the barony of the second, for which they waited till April 1672.³

Madame's hand has none of the flowing legibility of Charles II's and, however arbitrary her notions of government, they pale before her spelling. Her letters are, it is believed, reproduced exactly as they stand, except that some small attempt has been made to fill the gaping void in their punctuation. It may be added that they were written on gilt-edged notepaper, and sealed in black with Madame's arms: Orléans, impaling England and France; the seals are tied with the brown silk which she had used on the first letter of hers that we possess.

KEITH FEILING.

I

de St. Clou ce 24 Sept. [1669].

je vous suis infinement oblige des souhaits que vous faite pour que jaie un fils.⁴ Je vous la seray encore, sy vous voulez bien vous charger de faire souvenir le Roy dune priere que je luy fais en faveur de milor Buckurs,⁵ qui embisione davoir une charge de premier gentilhomme de la chambre. Vous savez asez que son merite luy doit faire esperer cette grase, et je scay aussi que v're ayde y peut beaucoup contribuer. jespere que vous luy accorderes; et je mande au Roy que je vous ay prie de faire cette solisitation.

Pour les soubsons que j'avois eu, ils estois fondez sur des rayson que je mandai au Roy dans le tamps par un page du bacstere de la reyne.⁶ Il vous aura peu dire, et j'y avois droicte quelque fois, par ce que j'avois dans le meme temps percu du refroidisement dans lesprit du Roy de france pour moy; ce qui me fesois croire que, craignant que je ne decouvre qu'il n'agissoit pas de bonne foy, qu'il me vouloit auter de l'affaire, de peur que je

¹ Interview of Trevor with Colbert, 27 March 1669, in Legrelle, *La Diplomatie française et la Succession d'Espagne*, i. 212; Clifford MSS.

² Cartwright, pp. 52, 340-2.

³ 'I do therefore congratulate with you the honour Madame tells me the King intends you,' Montagu to Arlington, 21 June 1669 (*Montagu House Papers*).

⁴ She had given birth to a daughter on August 17/27 (Cartwright, p. 294).

⁵ Buckhurst's patent on appointment was under discussion in February 1670; *Cal. Treasury Books*, 1669-72, p. 377.

⁶ Charles received a letter of hers by 'Ellwies' on 6/16 June (Cartwright, p. 289).

nen fis aviser le Roy mon frere ; comme bien assuremant jarois fait. Mais pour Milor Clarendon je ne vois pas quil soit mesle la dedans.

Ce nest pas que sur vñe simple soubson je me tache a demesler sil y a quelque fondement. Je ne vous redirai pas ceux que javois eu pour me donner les mefiance qui vous ont paru ; demandes les au Roy. Mais je vous dirai bien que le dernier papier ¹ quon m'a envoye a tellemant confirme la sincerite du Roy mon fr. au Roy d'isy que, comme il a bien juge, la droiture de sa prosede en a fait avoir aux autres. S'est de quoy jose ausi respandre presantement, et que sy Milor Arundel est ranvoye isy pour achever cete affaire, quil ne sy pasera rien don je ne soit bien informe, ny contre les interest du Roy mon fr.

je vous avouray que, sy juse scu quon vouloit promettre de sangager dasister la France sur les juste pretantions quil peuve avoir sur lespagne, jarois prie le Roy mon frere de ne le pas faire sy viste, et datendre que quelque deputes en use fait tirer plus davantage que le remerciemans quon luy en fait. Mais il ny a plus de remede, et au bout de conte ce nest pas un grand mal. Mais vous devez voir que, jusques au plus petite chose, je songe a menager les avantages du Roy mon frere. je luy avois escrit cette grande lettre, mais je nay ose luy adresser la present trop longue ; ² montres luy quand vous croyez quil nen sera pas importune.

Ce sont ces resonemens que la solitude de St. Cloud men donne le loisir de faire. Il ne me reste rien a ajouter a celle sy que des complimens a M d'Arundell. le doubte ou je suis, sil est party, mempeche de lui escrire. ³ Assurez ausi pere Patric ⁴ de mon amitie, et luy demandez la continuasion de la siene.

le Roy ma mandes quil maymoit for, et quoy que jen suis persuade, cete confirmation na pas laisse de mestre tres agreable. il sera for ayse de nous voir en sy bonne inteligence, vous et moy. Car cestoit une des chose quil temognoit le plus souhaier. je puis respondre quelle durera ; au moins y contribuerai par toute la sincerite et la regularite quune amie doit avoir.

(Addressed) ' pour Milor Arlington '.

II

At Paris the 27 Juin ⁴[1670].

When i have write to the King from Calais i praid him to tel milord Arlington an you what he had promised mi for bothe. his ansers was that

¹ Though ' the last paper ' cannot be identified, Louis's grateful letter of 10 September (Dalrymple, *Memoirs of Great Britain and Ireland*, II. i. 29, ed. 1773), and some undated papers of the same month at Ugbrooke, show sufficiently that the allusion is to the English acquiescence in French aspirations upon Holland and Spain.

² Sixteen pages of dispatches are abridged for His Majesty, ' who else could never have had the patience or given the time to have heard one quarter thereof ' ; Morrice to Fanshawe, 19 November 1662 (*Heathcote Papers*, *Hist. MSS. Comm.*, p. 48).

³ Arundell, carrying perhaps Charles's letter of 30 September (Dalrymple, *loc. cit.*), sailed from Dover on 3 October (*Cal. State Papers Dom.*) : he carried assurances that any further development of the military obligations involved by the Triple Alliance would be staved off as long as possible (R. O. Foreign Entry Book 176 : Clifford MSS.).

⁴ Almoner to Catharine of Braganza. He was in France from late March till July this year, partly for genuine reasons of health, but he took home messages from Madame and Montagu (*Montagu House Papers*, pp. 423, 431 ; Cartwright, p. 284).

⁵ Madame reached Calais on 12 June, St. Germain on the 18th, and moved to Paris on the 20th ; on the 24th she went with Monsieur to Saint-Cloud, but was at Versailles on the night of the 26th.

hi gave mi againe his word, that hee would performe the thing, but that hi did not thing it fit to exequite it now.

I tel you this sooner than to Milord Arlington because I know you ar not so hard to satisfie as hee. I should be so my self, if I was not sure that the King would not promis mee a thing to faill in the performance of it.

this is the ferste letter I have ever write in inglis. you will eselay see it bi the stile and the ortografe. prai see in the same time thate i expose mi self to be thought a foulle in looking (?) to make you know how much I am your frind.

(Addressed) ' for Sr Thomas Clifort '

*Some New Evidence on Wage Assessments in the Eighteenth Century*¹

IN the sessions records of Kent, Gloucestershire, and Middlesex there are to be found important data concerning the statutory fixing of wages in the eighteenth century. For Kent there is a hitherto undiscovered assessment of 1724, and there are several reissues of existing assessments and many wage cases for Gloucester and Middlesex. They are all of interest as proof of activity on the part of the justices in carrying out the wage clauses of the act of 1563 in the eighteenth century, a question which has raised considerable controversy.

As the only complete assessment among these recent discoveries the Kent document has the most significance. It was found, in a somewhat battered condition, in the 1724 bundle of Sessions Papers at Maidstone. It is clearly labelled on the outside — ' Rates of Wages, Easter Sessions, 1724 '—and is printed on a sheet of ordinary paper measuring 15½ by 19½ inches. The date and the Latin heading are in manuscript. The name of the printer is not given. In the margin are the signatures and seals of four justices, probably a committee appointed from the much larger number which made up the Kent commission.² The document has an official appearance quite like that of any other of the important orders of sessions which originated at every sitting of the quarter sessions.

The assessment is printed below, and is extremely minute in its details. There is a complete list of the wages payable to servants of artificers, both of the ' best ' and ' common ' variety. Day and task wages of artificers are also given. In husbandry both the annual

¹ It is owing to the suggestion of Professor B. H. Putnam that this article has been written. I am, as well, greatly indebted to her for advice and criticism.

² The entire commission may be found in the eighteenth-century Fiats in the Lord Chancellor's Office, House of Lords. Of these four magistrates three appear in the Fiat of 19 October 1714, and one (Searles Goately) in the Fiat of 22 June 1716. The recent discovery of these Fiats, to which my attention was called by Miss Putnam, disproves the Webbs' statement (*Parish and County*, p. 380) to the effect that systematic records of the commissions do not exist between 1689 and 1835.

and the daily rates are listed. At the end are given rates to be observed by brewers in selling beer or ale. Unfortunately, this corner has been torn off, so that one rate alone remains.

The comparison of the 1724 assessment with the other assessments for Kent is of interest. The first is one for 1563, printed by Miss Putnam in this Review.¹ The new document is very much like it. The lists of trades are almost identical, except for the omission of 'Lynnen-weavers' and the bailiff, and the addition of hoop-makers, lath-cleavers, harvest-men, and hop-pickers in 1724. The allowance for living is omitted in the husbandry rates.

In nearly every case the rates have gone up by 1724, as is to be expected. There are a few exceptions, such as : the plumber's laying and casting of lead ; the able clincher, and the mean calker among shipwrights ; the tucker's milman, and the felling and cutting oastry faggots, where the rate remained the same in both cases. In only one instance is there a decrease in amount, that of the master calker, who received x d. and meat in 1563, and ix d. and meat in 1724. And here the decrease in money rate may have been made up by an increase in the meat allowance.

The extent of the rise is notable, especially in view of the general fall of prices in the late seventeenth and early eighteenth centuries. The assessed wages rose in some cases to almost double their amount in 1563. The following are examples from each class :

<i>Trade</i>		<i>1563</i>	<i>1724</i>
Clothier	{ Foreman	iii ^l vi ^s viii ^d	v ^l x ^s
	{ Common servant	liii ^s iiiii ^d	iiiii ^l x ^s
Baker	{ Setter, seasoner, fournier	iii ^l vi ^s viii ^d	iiiii ^l x ^s
	{ Common servant	liii ^s iiiii ^d	iii ^l x ^s
Shoemaker	{ Best servant	iii ^l	iii ^l x ^s
	{ Common servant	xlvi ^s viii ^d	iii ^l
Wheelwright	{ Best servant	iii ^l	iiiii ^l
	{ Common servant	xl ^s	iii ^l
Tanner	{ Market man	iii ^l	v ^l x ^s
	{ Other servant	liii ^s iiiii ^d	iii ^l

Artificers by the Day

<i>Trade</i>		<i>1563</i>	<i>1724</i>
Master Bricklayer, Tyler, or Sawyer	{ Summer	vi ^d and meat	xviii ^d or ix ^d and meat
	{ Winter	x ^d without meat	xvi ^d or viii ^d and meat
Second sort of Artificers	{ Summer	ix ^d or v ^d and meat	xiv ^d or vii ^d and meat
	{ Winter	viii ^d or iiiii ^d and meat	xii ^d or vi ^d and meat

¹ *Ante*, xli. 270-3.

Servants in Husbandry by the Year

Best Man	{ xl ^s and Liverie, or xlv ⁱ viii ^d without Liverie	v ^l
Second sort	{ xxxiii ^s iiiii ^d and Liverie or xl ^s without Liverie	iii ^l
Best Woman	xxvi ^s viii ^d	iii ^l
Second Woman	xx ^s	ii ^l x ^s

Labourers in Husbandry by the Day

Labourers	{ Summer ix ^d or vi ^d and meat	xiv ^d or vii ^d and meat
	{ Winter vii ^d or iii ^d and meat	x ^d or v ^d and meat
Reapers	{ Man xi ^d or vi ^d and meat	ii ^s or xii ^d and meat
	{ Woman vii ^d or iiiii ^d and meat	xii ^d or vi ^d and meat

Wages seem to have been paid in kind equally at both times.

In making a like comparison of the 1560 and 1667 assessments for Northamptonshire, Miss Putnam comments on the 'perfunctory appearance' of the latter.¹ This cannot be said of the 1724 assessment for Kent. Its schedule is drawn up with fully as much care as the earlier one. Indeed, if anything the 1563 document suffers in the comparison, for in several cases it omits both summer and winter wages, or wages with or without meat, where the latter assessment gives them (notably in the cases of the plumbers, bricklayers, and thatchers).

The other Kent assessment is that for 1732, which is found in the *Gentleman's Magazine*.² This assessment is very brief, giving only the 'maximum' wages of workers in husbandry, eight items in all. It is, too, rather dubious, for the head ploughman is listed as getting £8, whereas in 1724 he was to receive only £5. Even the second ploughman is, in 1732, to receive £6, or £1 more than the head in 1724. Such a rise is hardly credible, when one considers the slowness with which rates changed in the eighteenth century. It may be that the excerpt is an inaccurate copy of the original assessment, or it is conceivable that it was a sudden attempt to bring the legal rate up to the market rate. This seems unlikely, however, for the other items (of women servants and day labourers) correspond to the 1724 rates, except for the latter, who got 1/- per day in winter, instead of x d., a rise which is quite conceivable.

The casual placing of the assessment in the *Gentleman's Magazine*, in the section devoted to 'Domestick Occurrences',

¹ 'Northamptonshire Wage Assessments of 1560 and 1667', in the *Economic History Review*, i. 130.

² Vol. ii, No. xvii (May 1732), p. 771. This is quoted by Rogers in his *History of Agriculture and Prices*, vii, Appendix x, p. 623.

leads one to suspect that it may have been considered merely in the category of an interesting item for the perusal of the gentry, and that accuracy was not the main purpose of its quotation. However that may be, further doubt is cast upon it by a wages case which came before the quarter sessions at Canterbury in January 1733/4. Simon Hills of Thannington, husbandman, complained to the court that he was hired by John Goldfinch of the same parish 'to Serve him in the Capacity of his Waggoner for a year' for £3 wages. The said Goldfinch refused to pay the wages due and was accordingly sued. The court decided in favour of Hills, and in its decision said 'that according to the rates of Wages for servants in husbandry, as the same stood limited, rated and Appointed for this County According to the statute in that Case made and provided for and dureing the time in which the said Simon Hills served the said John Goldfinch . . . there remains now due . . . the full and Just sum of three pounds . . .' The assessment mentioned as criterion is probably that of 1732, the £3 awarded is £5 less than the rate for Head Wagoner in the assessment, and £1 less than the rate for his 'Mate'. It is, however, the same as the rate given in the 1724 assessment. It looks, therefore, as if the 1732 assessment, given by the *Gentleman's Magazine*, is somewhat questionable.

The Kent sessions papers include several other items bearing on the regulation of wages. There are two wage cases, similar to the one quoted above, which occur in 1710 and 1767. In each instance the masters (husbandmen) were ordered by the court to pay the back wages due to their servants. More important is the following letter : ¹

Mr. Craambridge

Draw up ye inclosed Recognizances and send them me to Sign and then send them to ye Sessions as also ye Inclosed Pass Examinations, and Informations, and desire fuller to mention ye Settling ye Rates for passing vagrants to the Justices and let me have them when Settled as also the last Rates for Wages . . .

Yr Sert

Bounds Sep: 30 1740

(signed) S. S. Smythe

There was no trace of either a wage assessment or reissue in the 1740 bundle of sessions papers, nor in any of the bundles after 1733. It would seem, however, from the casual mention of wage rates in this letter, that the rating of wages was still a part of the quarter sessions routine in Kent.

Although new assessments, such as the one described above, are of greater interest than reissues of existing rates, the latter are significant as showing at least a certain amount of administrative

¹ Kent Sessions Papers, 1740 Bundle. Italics are mine.

activity on the part of the justices of the peace. In the first quarter of the eighteenth century in the county of Middlesex, reissues, both for wages and for the assize of bread, were almost continuous. The first occurs in April 1702 and is as follows :

It is ordered that the rates of wages for Labourers Artificers and servants contained in the Statute made Anno quinto Eliz^e doe Stand as they were att the last Sessions of the peace held for this County after the Close of Easter 1701.

And that the assize of bread be the same as is specified in the weekly bills of mortality pursuant to an order of Court in that behalfe made.¹

These orders are repeated in 1703, 1704, 1705, 1706, 1707, 1708, and 1709. From then onwards the assize of bread is omitted. The order as to wages continues in 1710, 1711, 1712, 1716, 1717, 1719, 1720, 1721, 1723, 1724, 1725.² The assessment upon which these reissues are based is not in the eighteenth-century books.

In the Gloucestershire Order Books there are also some reissues. At the Easter sessions, 1702, 'It is ordered by this Court that the same wages as were at the last Easter Sessions assessed to be paid to Servants be now assessed and continued', and again, at the Easter sessions in 1706, 'It is ordered yt Servants Wages be rated as formerly.'

Even later than this the Gloucester justices were dealing with wage matters. In 1732 occurs the assessment quoted by Rogers from the *Gentleman's Magazine*.³ Besides this there are the assessments of rates for weaving in 1728 and 1756, around which centres the well-known dispute in the woollen industry. This has been so thoroughly discussed by both Professor Hewins and Mr. Lipson,⁴ that it is unnecessary to dwell upon it here. The whole controversy shows that the question of wage assessments was still a live issue in Gloucestershire during the first half of the century.

The Gloucestershire records reveal as well cases (twenty-one in number) concerned with the breaking of wage contracts between servants and husbandmen. They are similar to the ones described for Kent, and extend from 1716 to 1791. In 1731 a printed order, reinforcing that part of the statute of 1563 which restrained

¹ Middlesex Sessions Books, no. 514, p. 16, at the Middlesex Guild Hall, Westminster.

² These orders may easily be found in the books for these years.

³ See *supra*, p. 400, n. 2. It is printed with that of Kent.

⁴ Hewins, W. A. S., *English Trade and Finance* (1892), pp. 118-28, and Lipson, E., *History of the Woollen and Worsted Industries* (1921), pp. 114-16. There is also an account, based largely on the incomplete entries of the Minute Books, in the *Victoria County History of Gloucestershire*, ii. 161-2. The *Commons Journals*, xxvii, give a complete record of the activities of the weavers in getting the act of 1756 passed, and of the clothiers in getting it repealed. Especially interesting is the testimony of weavers and clothiers before a parliamentary committee which was investigating the grounds for the repeal of the act (pp. 730-2).

masters from engaging servants who had no certificate from their last master, was ordered to be posted throughout the country.¹

In all of these three counties these cases were dealt with not as special instances, but as part of the ordinary routine. This is further evidence that 'the view taken by most economic historians that the wage assessment clauses of the Act of 1563 were, except on special occasions, a dead letter, and that whatever vitality they had under Elizabeth, and the first two Stuarts, disappeared after the Civil War, must be regarded as, to say the least, not proven'.² The number of known assessments, including reissues, for the eighteenth century is now considerably augmented. To the twenty-eight listed by Mr. Tawney³ may be added at least twenty-two more. The ease with which the writer happened upon them during a search for other material suggests that many more may exist in the dusty sessions records of the various counties.

More important, however, than the mere fact of the continuance of such administrative activity is its effect upon economic life of the time. Were these rates fixed by the justices actually those of the market-place? Obviously the discharge of their duties by the justices meant little in itself if they were unable to enforce their edicts. Historians have differed on this point. Hewins states that in the cases he has examined 'there is, on the whole, a close correspondence between the Justices' rates and those actually paid'.⁴ Mr. Tawney's investigations have led him to the opposite conclusion.⁵ And Mrs. George, largely on the basis of a quotation from the Hon. Roger North's pamphlet, *A Discourse of the Poor*, states that 'by the end of the seventeenth century the fixing of wages by justices seems to have become a mere form'.⁶

Fortunately there are some actual wage rates to compare with the Kent and Gloucestershire assessments. Although there are no rates for the year 1724 in Kent, there are some for the years immediately before and after. As wages changed relatively slowly at that period they are entirely comparable.

From the table on p. 404 it is to be observed that in every case, except that of the husbandry rate, the rates paid in fact are higher than the legal figures. This is all the more significant in view of the fact that the bills from which the rates are taken are bills for work on county buildings or bridges, and had to be examined by

¹ Gloucestershire Order Books, Easter Sessions, 1731.

² Tawney, R. H., 'The Assessment of Wages in England, &c.', in the *Vierteljahrsschrift für Sozial- und Wirtschaftsgeschichte*, xi. 337.

³ *Op. cit.* pp. 338-9.

⁴ *Econ. Journal*, viii. 345-6, and his book, *op. cit.* pp. 83-7.

⁵ *Op. cit.* p. 564.

⁶ George, M. D., 'The Combination Laws Reconsidered', in the *Economic Journal* for May 1927, p. 225.

a committee of justices before they could be ordered to be paid by the court.

<i>Trade.</i>	<i>Daily wage rates from county bills.¹</i>	<i>Daily rates from 1724 assessment.²</i>
Carpenter	2/- (1723 & 1727)	1/8
Carpenter's } apprentice }	1/6 (1723)	10d
Bricklayer	2/- (1727)	1/6
Bricklayer's } labourer }	1/4 (1727)	1/2
	<i>Annual rate.³</i>	<i>Annual rate.⁴</i>
Woman servant } in husbandry }	£3	£3

In Gloucestershire a similar situation is found. The rate for carpenter, wheelwright, or mason in the 1732 assessment is 1/2 per day without drink. Latimer remarks that this rate had never been observed in Bristol, and quotes a rate of 1/8 for masons and carpenters in 1704, and 1/10 for carpenters in 1747.⁵ A bill for carpenter's work at the Berkeley Bridewell in 1740 and 1741 gives a rate of 1/6 per day.⁶

The divergence between the justices' rates and those actually paid is significant. Is it to be concluded that these assessments were only a mere form and quite ignored in the everyday business of economic life? One can scarcely generalize for England on the basis of three counties. Conditions vary greatly from county to county in economic matters of this sort. The justices' activities with regard to wages seem more than a formality in Gloucestershire and Kent, where their intervention in all manner of wage matters lasted for at least half the century. In Middlesex, however, the monotonous reissue of the same assessment may indicate little but a routine which had lost most of its meaning.⁷

ELIZABETH L. WATERMAN.

¹ These rates are taken from workmen's bills, preserved in the 1723, 1727, and 1728 bundles of Kent Sessions Papers. They are all bills for work on county bridges or at the county gaol near Maidstone.

² The rates quoted are the highest given, summer wages without meat. The figure for the 'second sort of artificer' is used to compare with the bricklayer's labourer.

³ From the examination of Sarah Browne, before one of the Kent justices, in the 1719 bundle.

⁴ Rate given for 'Best Woman Servant' in the 1724 assessment.

⁵ Latimer, J., *The Annals of Bristol in the Eighteenth Century* (1893), p. 372.

⁶ Gloucestershire Sessions Rolls, 1742.

⁷ This statement is subject to correction as I have not examined the rolls.

Anno Regni Domini nostri Georgij Dei Gratia nunc Regis Magne
Britanie francie [*torn off*] decimo.

Kent ss. The Rates of Wages of Artificers, Servants, and Labourers, Assessed by the Justices of Peace of the said County, at the General Quarter Sessions of the Peace, holden at *Maidstone* in and for the said County, on Tuesday the week next after the Close of *Easter* ; That is to say, the 14th day of Aprill in the Year of our LORD, ONE THOUSAND SEVEN HUNDRED AND TWENTY FOUR. To continue for one whole year next ensuing.

For Artificers to their Servants by the year

W ^m . Hamilton [Seal]	Tucker or shereman	Milman . . .	iiii ¹
		Burler . . .	iiii ¹
	Clothier, his	foreman . . .	v ¹ x ^s
		Common-servant . . .	iiii ¹ x ^s
	Woollen-Weaver, his	foreman . . .	iiii ¹
		Common Servant . . .	iii ¹
	Milner and Fulner, his	Best Servant . . .	iiii ¹
		Common Servant . . .	iii ¹
	Dyer, his	Wringer, and Under-dyer	vi ¹
	Hosier, and Taylor	foreman . . .	iii ¹ x ^s
		Sower . . .	iii ¹
	Shoemaker, his	Best Servant . . .	iii ¹ x ^s
		other Servant . . .	iii ¹
	Tanner, his	Market-Man . . .	v ¹ x ^s
		Other Servant . . .	iii ¹
	Pewterer, his	Foreman . . .	iiii ¹
		Other Servant . . .	iii ¹
	Baker, his	Setter, Seasoner, and Furner . . .	iiii ¹ x ^s
		Common Servant . . .	iii ¹ x ^s
Sarles Coatley [Seal]	Brewer, his	Head Brewer . . .	v ¹
		Common Servant . . .	iiii ¹
	Glover, his	Water-Men . . .	v ¹
		Shopman . . .	iii ¹ x ^s
	Cutler, his	Foreman . . .	iiii ¹ x ^s
		Common Servant . . .	iiii ¹
	Farrier & Blacksmith	Best Servant . . .	iiii ¹
		Common Servant . . .	iii ¹
	Currier, his	Best Servant . . .	iii ¹ x ^s
		Common Servant . . .	iii ¹
John Hamilton [Seal]	Saddler, his	Best Servant . . .	iiii ¹
		Common Servant . . .	iii ¹ x ^s
	Spurrier, his	Servant . . .	iii ¹
	Turner, his	Servant . . .	iii ¹
	Earthen-Potter, his	Servant . . .	iiii ¹
	Cooper, Hatter, and Felmonger, his	Best Servant . . .	iii ¹
		Common Servant . . .	iii ¹
	Bowyer and Fletcher, his	Best Servant . . .	iii ¹ x ^s
		Common Servant . . .	iii ¹

Arrow head-maker, his	Servant . . .	iii ¹
Butcher, his	Servant . . .	iii ¹ x ^s
Cook, his	Servant . . .	iii ¹ x ^s
Wheelwright, his	{ Best Servant . . .	iii ¹
	{ Second Servant . . .	iii ¹
Corn-Miller, his	{ Grinder . . .	iii ¹
	{ Loader . . .	iii ¹ x ^s
Cooper, his	{ Best Servant . . .	iii ¹
	{ Second Servant . . .	iii ¹
Lime-burner, his	Lime-burner . . .	iii ¹

In Husbandry by the Year

D. Polhill [Seal]	In Husbandry	{ Head Ploughman . . .	v ¹
		{ His Mate . . .	iii ¹
		{ Boy from 14 till 18 Years	
		{ of Age . . .	xl ^s
		{ Best Woman Servant . . .	iii ¹
		{ Second Sort only . . .	xl ^s

Other Servants not concerned in Husbandry

Other Servants	{ Best Man Servant . . .	v ¹
	{ Second sort, not above . . .	iii ¹
	{ The other sort only, and	
	{ not above . . .	xl ^s
	{ Best woman Servant . . .	iii ¹
	{ Second Sort, not above . . .	ii ¹ x ^s
	{ The other sort, not above . . .	xl ^s

Artificers by the Day

For the Plumbers work	{ Summer : xx ^d or x ^d and meat.	
by the Day	{ Winter : xvi ^d or viii ^d and meat.	
Plumbers	For Laying and Casting the C. of Lead : ii ^s .	
Master-Carpenter and	{ Summer, that is, from <i>Easter</i> to <i>Michaelmas</i>	
Plumber	{ xx ^d or x ^d and meat.	
	{ Winter, that is, from <i>Michaelmas</i> to <i>Easter</i>	
	{ xviii ^d or ix ^d and meat.	
Master Brick-layers,	{ Summer : xviii ^d or ix ^d and meat.	
Tyler and Sawyer	{ Winter : xvi ^d or viii ^d and meat.	
The second sort of	{ Summer : xiv ^d or vii ^d and meat.	
Artificers	{ Winter : xii ^d or vi ^d and meat.	
The Apprentice of all	{ Summer : x ^d or v ^d and meat.	
Artificers	{ Winter : viii ^d or iv ^d and meat.	

Artificers and Labourers by the Day

Sawyers by the Hundred	{ Oak Boards . . .	ii ^s vi ^d
	{ Elm and Ash . . .	ii ^s iv ^d
	{ Slitting work . . .	ii ^s viii ^d
	{ No allowance for Calf and Half	

Thatchers, by the Day	{ Summer : xviii ^d or ix ^d <i>and meat</i> . Winter : xvi ^d or viii ^d <i>and meat</i> .
His Man, by the Day	{ Summer : xii ^d or vi ^d <i>and meat</i> . Winter : x ^d or v ^d <i>and meat</i> .
Thatcher, by the Hundred	For Reed viii ^d
Millwright, by the Day	{ Summer : ii ^s or xvi ^d <i>and meat</i> . Winter : xx ^d or x ^d <i>and meat</i> .
Brickmaker, for the	{ Digging, Making, Striking, Burning, and all other things being brought } iv ^s to him, for the Thousand
Tyle-maker	{ For his Servant, for one Thousand xx ^d or x ^d <i>and meat</i> .
Master Freemason	{ Summer : xx ^d or x ^d <i>and meat</i> . Winter : xviii ^d or ix ^d <i>and meat</i> .
Glazier, by the Day	{ Summer : xvi ^d or viii ^d <i>and meat</i> . Winter : xiv ^d or vii ^d <i>and meat</i> .
Plasterer, by the Day	{ Summer : xviii ^d or ix ^d <i>and meat</i> . Winter : xvi ^d or viii ^d <i>and meat</i> .
Lath-Cleaver	For making of every Hundred of Laths iv ^d
Tyle-maker	{ For every Hundred of Ridge-Tyle . ii ^s vi ^d For every Hundred of Corner-Tyle . ii ^s For every Hundred of Gutter-Tyle . ii ^s
Hoop-makers	{ For making a Load of Smart Hoops xii ^s For Flawing and Stripping of Tann a Load xii ^s
Carvers and Joiners, by the Day	{ Summer and Winter : xx ^d or x ^d <i>and meat</i> Servant : xiv ^d or vii ^d <i>and meat</i> . Master-Hewer : ii ^s or xvi ^d <i>and meat</i> .
Ship-Wright, by the Day	{ Able Clencher : xx ^d or x ^d <i>and meat</i> . Master Cawker : xviii ^d or ix ^d <i>and meat</i> . Mean : xvi ^d or viii ^d <i>and meat</i> .

In Husbandry by the Day

Labourers, by the Day	{ Summer : xiv ^d or vii ^d <i>and meat</i> . Winter : x ^d or v ^d <i>and meat</i> .
Mowers, By the Day	xvi ^d or ix ^d <i>and meat</i> .
Mowers, by the Acre	{ Grass { Upland xx ^d { Marshland xx ^d Oats : xii ^d or vi ^d <i>and meat</i> . Barley : xii ^d or vi ^d <i>and meat</i> .
Reapers by the day	{ Man : ii ^s or xii ^d <i>and meat</i> . Woman : xii ^d or vi ^d <i>and meat</i> .
Reaping, Binding and . Copping, the Acre	{ Wheat iv ^s Rye iv ^s Pease, Tares iv ^s
Laying in Band, Copping and Binding, the Acre	{ Oats : xii ^d or vi ^d <i>and meat</i> . Barley : xii ^d or vi ^d <i>and meat</i> .

Harvest-Men, from first to last	{	the best sort : lv ^s or xxxv ^s <i>and meat.</i>	
	{	the second sort : l ^s or xxx ^s <i>and meat.</i>	
Thrashers and Cleaners, by the Quarter	{	Wheat and Rye : xx ^d or x ^d <i>and meat.</i>	
	{	Oats and Barley : xii ^d or vi ^d <i>and meat.</i>	
Dikes out of the whole Ground to be made by the Rod, or Pole	{	Dike, at four Foot in the Brim, two foot deep, and one foot in the Bottom : viii ^d .	
	{	Dike, nine Foot Broad on the Brim, four Foot in the Bottom, and four foot deep : xviii ^d	
	{	And for Cleansing of an old Dike half the Price	
	{	And after the same Rate in all other Dikes.	
Teaning, and Hedging, the Rod	{	Quick Hedge	ii ^d
	{	Dead Hedge	ii ^d
Paling, by the Rod, with one Rayl	{	Even-headed	viii ^d
	{	Uneven-headed	v ^d
Rayling, by the Rod	{	Single Rayl	ii ^d
	{	Double Rayl	iv ^d
Making of Faggots, Bavens, Billotts and Talwood (viz.)	{	Felling and Cutting Oastry Faggots, <i>per Cent.</i>	x ^d
		For sawing the Rods, <i>per Cent.</i>	ii ^d
		For Binding Oastry Faggots, <i>per Cent.</i>	viii ^d
		Long Baven, the Hundred, with Double Bands	ii ^s viii ^d
		Billetts the Thousand	ii ^s
Coaling	{	Brush, Baven, and Bakers Baven, <i>per Cent.</i>	xx ^d
		Talwood, the Hundred Shide	xi ^d
		Cordwood, the Card set up	xii ^d
		For carrying of four Cords of Wood to Hearth covering, and Coaling of the same	iv ^s viii ^d
		Hop-pickers	vi ^d
Hop-pickers, the Day	{	Byn-Men	xv ^d

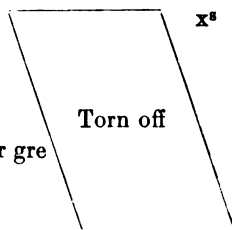
in all
xx^d

Item, It is Ordered, that Brewers shall Observe these Rates in Selling their Beer and Ale, & Nothing for Carriage & shall not exceed the same, viz.

For every Barrel of Beer,
For every Barrel of best Ale,
For every Barrell of Small Beer,
For every Barrel of Small Ale,

And so after the same Rates for gre
greater or lesser number of

By the



The Osborne Conference and Memorandum of August 1857

THE history of the negotiations over the question of the Danubian Principalities which led to the conference at Osborne in August 1857 has recently been told at length,¹ and need not be repeated. It may be recalled that the conference at Osborne was Napoleon III's scheme to deal with the situation which had arisen at Constantinople, where the French ambassador Thouvenel, together with the Russian, Prussian, and Sardinian representatives, had broken off relations with the Porte, because the latter, under the guidance of the British ambassador and the Austrian internuncio, had refused to delay the Moldavian elections, as Thouvenel wished, so that the electoral lists could be rectified.

It is possible to construct from published sources a general, though incomplete, account of the conference of Osborne. There is evidence² that Napoleon's desire for a personal interview with the queen, the prince consort, and the British ministers dates back to May 1857: it arose, it would seem, from Persigny's forceful advocacy of the British alliance during his visit to Paris in May; and, since Palmerston and Clarendon approved of the plan, the queen consented (21 May) to invite the emperor during the yachting season at the end of July. According to Count Vitzthum,³ the Saxon minister at London, Napoleon arrived on 6 August and the decisive discussions were held on the night of the 7th, Palmerston having arrived a day late. Certainly on the 8th Napoleon telegraphed to Thouvenel not to leave Constantinople.⁴ Martin⁵ describes how, on the advice of the prince consort, Palmerston drew up a memorandum embodying the agreement reached, and how on the 10th Walewski acknowledged its correctness, but refused to sign. Hübner⁶ recorded on 17 August that he saw Cowley's copy of the Osborne Memorandum. He states two additional facts about it: (1) that it contained 'un changement écrit de la main de M. de Persigny', and (2) that it was signed by Walewski. The first statement is correct: the two, hitherto unpublished, copies of the memorandum given below show Persigny's amendment and the passage for which it was substituted. The second is undoubtedly incorrect: Walewski informed Hübner himself⁷ that no agreement whatever had been

¹ *Ante*, xlii. 227-44. Professor Riker there states that Napoleon contemplated the Osborne visit as early as June; the idea actually goes back to May; see *infra*, n. 2.

² *The Letters of Queen Victoria*, iii. 294-6. Clarendon to Prince Albert May 20/57, Prince to Clarendon May 21/57.

³ *St. Petersburg and London*, i. 225.

⁴ *Wiener Staats-Archiv: Rapports de Constantinople*, xii. 57. Prokesch to Buol, Aug. 11/57.

⁵ *Life of the Prince Consort*, iv. 113. * *Neuf Ans de Souvenirs, &c.*, ii. 44-5.

⁷ F.O. 27. 1202. Cowley to Clarendon, August 15/57, No. 1144 confidential.

entered into, whilst Cowley wrote later ¹ of a ' memorandum . . . which, although not signed, bears evidence of having been accepted by both Parties '. Just when Persigny made his amendment is not clear, but it must have been between the 9th and the 17th August. The copies of the memorandum prove not only the fact of Persigny's amendment, but that (1) it introduced the pledge of secrecy, and (2) it postponed to the future the detailed application by the two Powers of the principles laid down for the internal organization of the Principalities.

The agreement of Osborne, although not a formal diplomatic engagement, was rather more than an ' oral pact ' : ² the memorandum stated the compromise reached and was, morally at least, binding. Walewski's reasons for refusing to sign ³ seem the more unconvincing and suspect in view of the developments in 1858, when the question of the ultimate organization of the Principalities came before the conference of Paris. Cowley wrote ¹ on 4 June 1858 : ' the Plenipotentiaries of France and Russia, however unfairly on the part of the former, after what has occurred, have deliberately recorded in a Protocol [*sc.* Protocol I of the Conference of Paris⁴], which will be hereafter published, that, in the opinion of their respective Governments, union under a foreign Prince would be the best organization of the two Provinces.' The Duc de Malakoff, French ambassador at London, declared ⁵ to Malmesbury that no pledge had been given at Osborne of a political separation of the Principalities; and Clarendon wrote to Malmesbury (13 June 1858) : ' If Walewski tries to wriggle out of the agreement come to at Osborne last year, pray do not hesitate to call me as a witness.'⁶ In short, in 1858 the French government certainly threatened to ignore the Osborne agreement and interpreted it broadly to countenance their scheme for a common name, a common flag, and a common legislative assembly for Moldavia and Wallachia.

Copy (I) of the memorandum printed below was sent to Constantinople on 17 June 1858 and gives that document in its final amended form; copy (II) contains the passage deleted in favour of Persigny's amendment, but is otherwise identical with (I); it is the copy in the Embassy Archives (Paris), from which a transcript was sent to Malmesbury on 4 June 1858, when the question of the Principalities was seriously engaging the attention of the new Foreign Minister. This embassy copy is written in Cowley's hand. The transcript which Malmesbury received—contained in F.O. 27. 1251—does not, however, include the deleted passage, and is therefore identical with (I).

¹ F.O. 27. 1251. To Malmesbury, June 4/58, No. 593 secret and confidential.

² *Ante*, xlii. 243. ³ *Life of the Prince Consort*, iv. 113. ⁴ *State Papers*, xlviii.

⁵ F.O. 195. 570. Malmesbury to Cowley, June 21/58, No. 548.

⁶ Malmesbury, *Memoirs of an Ex-Minister*, p. 439 (New Edition).

Further, it may be noted that, as a result of the Osborne conference, Napoleon had an interview with Alexander II at Stuttgart, where many questions, especially that of the Principalities, were discussed.¹ The date of this meeting—25 September 1857—is important, since any agreement reached between France and Russia at Stuttgart did not precede the French rupture at Constantinople and therefore could not have influenced Napoleon's policy with regard to Turkey before the Osborne conference. It is true, however, that France and Russia were in working agreement before the rupture at Constantinople, but there was no imperial meeting at that time, although in June the idea was much talked of in diplomatic circles at St. Petersburg.²

W. G. EAST.

(I) COPY OF MEMORANDUM

Osborne, 9 August 1857 ³

The visit of H. M. The Emperor of the French to Osborne having led to an examination of the present state of affairs in regard to the Danubian Pties, the Govts of France & of Great Britain have come to the following agreement with respect to those matters—first, it is agreed that the British Govt shall unite with that of France in representing to the Porte that, as strong and general impressions prevail that the recent elections for the Divan of Moldavia have not been made upon electoral lists framed in conformity with the unanimous decisions of the Conference of Constple of the 30th May last, and that it is therefore essential, in order to give proper weight to any expressions of opinion which may come from the Moldavian Divan, that these recent Elections should immediately be annulled, & that the Electoral Lists should be revised in order to render them conformable with the above-mentioned decisions of the Conference held at Constple on the 30th May.

That this revision should be made by the Commissioners at Bucharest in concert with the Kaimakam of Moldavia, and that it should be completed within fifteen days after the day on which the annulment of the recent elections shall have been known at Jassy, and that fresh elections shall take place at the expiration of those 15 days.

Secondly, it is agreed that, in the deliberations to be held at Paris by the Congress to which the report of the Commissioners at Bucharest, and the representations of the Divans of Wallachia & Moldavia, are to be submitted, it shall be the endeavour of the French and British Govts on

¹ Debidour in *Histoire Diplomatique*, ii. 172, erroneously dates the interview in July, and his summary account of the understanding reached seems unwarranted. The best account is that given by Charles-Roux, *Alexandre II, Gortchakoff et Napoléon III*, bk. iii, ch. i, and is based on three unsigned protocols of the interview in the Russian Archives. The writer will publish two dispatches from Cowley throwing some light on this rather obscure incident in an essay on *The Union of Moldavia and Wallachia*.

² F.O. 181. 337. Wodehouse to Clarendon, June 11/57, No. 273, and June 26/57, No. 303.

³ F.O. 195. 570. Enclosed in Malmesbury to Alison, June 17/58, No. 279 secret and confidential.

the one hand to secure the suzeraineté of the Sultan over the Danubian Provinces ; and on the other hand to assure to those provinces an internal organization calculated to maintain their ancient privileges & to promote their well-being and prosperity.

For this purpose it is agreed to be desirable that the two Provinces shall have similar organic institutions, and that while retaining their separate Govts, they should have a common system in regard to all matters civil and military to which such a community of system can advantageously be established.

(Passage substituted by M. de Persigny for two final Paragraphs here omitted.)

Quant aux détails des arrangements qui doivent être établis d'après ce principe, les deux Gouvts d'Angleterre et de France s'entendront à ce sujet avant la réunion à Paris de la Conférence qui aura à prononcer définitivement [;] jusque-là il a été entendu que le présent arrangement doit rester entièrement réservé entre les deux Gouvts.

(II) COPY OF MEMORANDUM

*Osborne, 9 August 1857*¹

This copy differs from (I) above in that it contains not only Persigny's amendment but also the passage for which it was substituted. This passage originally followed on after the words . . . 'advantageously be established' ; it is cancelled in this copy and runs as follows :

'Such arrangements would include a coinage which should pass current in both Provinces, a Tariff that should be the same in both, a Customs Union, and the absence of any customs duties payable on goods passing from one Province to the other ; a provision that decrees of Courts of Justice in one Province should have force against persons who might have withdrawn from that Province to the other ; and a common system of military arrangements for the defence of the two Provinces.

All these arrangements when completed, to be placed under the collective guarantee of the Six Powers.'

¹ F.O. 146. 794. Enclosed in Cowley to Malmesbury, June 4/58, No. 593 secret and confidential. The copy received by Malmesbury is in F.O. 27. 1251.

Reviews of Books

British and Foreign State Papers (with which is incorporated Hertslet's Commercial Treaties), vol. 118 (1923, part ii); vols. 119-20 (1927, pts. i-ii); vol. 115, *Chronological Index* to vols. 94 (1900)-114 (1921). (London: Stationery Office, 1926, 1927.)

It does not appear that this particular volume contains much that is useful for historians proper. But its arrangement and special features are of some interest, and it may be valuable to point out what the *British and Foreign State Papers* now aim at doing. Hertslet's *Commercial Treaties* were abolished as a separate series in 1926 when the last volume (31) of the series, which began in 1840, was issued. It contained a chronological and general index to the later volumes, and was edited by C. S. Nicoll and W. L. Berrow. The present volume, therefore, contains much of what would formerly have been in *Commercial Treaties*.

The regular publication of the texts of new constitutions is a new and important feature. Those of Danzig, Egypt, Finland, Poland, and the amendments of 1923 to the Norwegian constitution are here published.

Diplomatic material is mainly represented by formal acts, like conventions and treaties with ratifications and other appropriate additions. In this connexion the details of the accession of various nations to League of Nation Acts and Instruments are of importance.

The old practice of publishing a selection from the parliamentary papers, relating to our diplomatic negotiations with other countries, has been almost wholly abandoned.

Up till 1903 covering or explanatory letters, when accompanying treaties or conventions, were generally published in *British and Foreign State Papers*. An important stage was marked in 1904, when the appropriate volume contained the formal instruments relating to the Anglo-French Entente, but omitted to print Lord Lansdowne's lengthy explanatory dispatch of 8 April 1904. This was to be found only in the annual volume or volumes of *Accounts and Papers* entitled *State Papers Foreign*. Since that time an increasing proportion of diplomatic correspondence is to be found only in that place. In fact we may now say that, while formal acts are still published in *British and Foreign State Papers*, the explanations contained in diplomatic documents or dispatches are to be found only in *State Papers Foreign*. The latter are, of course, a complete register of all diplomatic papers published for each year, both of correspondence and of formal acts.

To sum up, in the former are now to be found commercial treaties, formal diplomatic instruments, and texts of new constitutions; in the

latter are the whole material of diplomatic comment, interpretation, and negotiation. It may be useful to draw attention to these facts.

HAROLD TEMPERLEY.

Der heilige Augustin und die christliche Zivilisation. Von P. v. SOKOLOWSKI.
(Schriften der Königsberger Gelehrten Gesellschaft, Geisteswissenschaftliche Klasse, 4. Jahr., Heft 3) (Halle [Saale] : Niemeyer, 1927.)

THIS is a really important study of St. Augustine's conception of the relation of Christianity to the state. The author's criticism of much of the generally current interpretations of his position will have to be seriously considered, for it is not only drastic, but very carefully documented.

It has been frequently contended that in St. Augustine is to be seen the principal foundation of a supposed medieval theory that the state is a human and not a divine institution, and is based rather upon men's sinful ambitions and passions than upon the divine will; and that it is also in St. Augustine that we find the first anticipation of the conception of the supremacy of the spiritual power over the temporal. These suggestions are subjected by Sokolowski to a minute and powerful criticism, and he contends that there is no substantial foundation for them.

We have in our history of Medieval Politics questioned the view that any medieval thinkers seriously maintained that the state was a merely human institution, and I think that it is impossible to assert this. From Gelasius I to St. Thomas Aquinas it is, I think, clear that the state was regarded as a divine institution; and I do not think that the conception that the Church was supreme over the state was a normal medieval judgement, though it was no doubt maintained by Innocent IV and some of the canonists and a few other writers in the later part of the thirteenth century. Those who still adhere to the view that St. Augustine was the original source of these conceptions will have to reckon seriously with Sokolowski's criticism.

I cannot, however, think that Sokolowski, in his most interesting attempt to find in St. Augustine a completely coherent and consistent conception of the nature of the state, has given enough attention to the difficulties which attend any such attempt. He contends, for example, that the famous passage in the *De Civitate Dei*, xix. 15, which has been constantly interpreted as setting out the principle that the political authority of man over his fellow men was the consequence of sin, properly refers only to slavery. This suggestion is not really consistent with the text, which clearly refers to kingship; and the normal interpretation is confirmed by a passage in St. Augustine's treatise *De Doctrina Christiana*, i. 23, and this conception is clearly reflected by St. Gregory the Great in the almost equally well-known passage in the *Expositio Moral*is on Job xxi. 15.

What is, however, more important is that it would seem to be clear that St. Augustine's words are related to the general conception of the distinction between the conditions appropriate to the primitive innocence of man and those which belonged to man after the appearance of evil in the world. This had been emphatically stated by St. Irenaeus, *Adv. Haer.* v. 221, two centuries before St. Augustine, and is almost certainly related to the tradition of Posidonius and Seneca, as indeed it underlies the whole conception

of the difference between the 'natural' and the 'actual' conditions of human life, as we see it in the Jurists and the Fathers.

Again, I cannot think that Sokolowski has sufficiently appreciated the difficulty in which St. Augustine had involved himself when, in the *De Civitate Dei*, xix. 21, he denied the quality of justice to the heathen state, and when, in *De Civitate*, xix. 24, he attempted to frame a definition of the state without justice. I am, indeed, well aware that in other places St. Augustine speaks in different terms, but I think that this only illustrates what seems to me to be the real truth, that St. Augustine's conceptions of the state, important and powerful as they were, were not consistently thought out.

It is, however, impossible in a brief review to do justice to this most interesting and important contribution to the critical study of St. Augustine: the author raises many important questions to which I have not been able to refer. I think that it will have to be very seriously considered, and may tend to modify considerably a good many opinions which have been too hastily formed.

A. I. CARLYLE.

Beiträge zur Geschichte der byzantinischen Finanzverwaltung besonders des 10. und 11. Jahrhunderts. (Byzantinisches Archiv, Heft 6.) Von FRANZ DÖLGER. (Leipzig-Berlin: Teubner, 1927.)

FEW subjects are more obscure than Byzantine finance. Statistics are almost wholly lacking, although we possess the budgets of the Caliphs of Baghdad. The chroniclers are untrustworthy: if they condescend to treat of public finance, it is generally to calumniate some emperor; and if sometimes they are in good faith, they lack technical knowledge. The comparatively abundant legal sources are particularly misleading: as the Byzantine writers strove to preserve the language of Thucydides, so legislation strove to preserve the institutions of Justinian's Code; so that, as there is a learned and a spoken language, so there is a learned and a practical jurisprudence. To find a law of the sixth century in the Basilics and even in Armenopoulos is no guarantee that it was still in force, as sometimes we have several clear proofs of its abolition. Besides, things change gradually under the pressure of circumstances, and we know neither the measures which have created, nor the principles which have inspired them. The lack of a fixed terminology completes the confusion: several functions appear simultaneously under several names; the same terms successively denote different things; sometimes the old expressions coexist with the new. Many titles of functionaries and names of taxes are etymological conundrums. The great Byzantinologist, Vasilievski, has called the Byzantine fiscal system a labyrinth. In default of a complete clue, a manuscript preserved in the Marciana (Gr. 173) enables us to explore a small part of it. This is a little didactic treatise, intended for the officials charged with the assessment of the land-tax. It naturally contains much special information, which is very welcome, about the officials' tasks and titles, the classification of lands, the modifications, thanks to which the *epibolé* (*adiectio sterilium*) could function without ruining agriculture, &c. Moreover—and this is of capital importance—it enables us to have a clearer idea of Byzantine agricultural life, of a free village, of the elements and functions of the *κοινότης*. But if our treatise lets us guess many things, it leaves us in

ignorance of many more. Besides treating of only one tax, that on land, and that only from the standpoint of its assessment, not of its collection, it leaves obscure many important points, and often uses misleading terms, either not yet recorded in dictionaries or else with another meaning.

After having welcomed the edition of the Venetian manuscript by Professor Walter Ashburner,¹ we wanted a commentary. To provide one was a task calculated to deter the boldest; yet unexpectedly we have two: the present work, and a monograph by Dr. Georg Ostrogorsky, *Die ländliche Steuergemeinde des byzantinischen Reiches im X. Jahrhundert*.² Dr. Dölger's work comprises a corrected edition of the treatise with thirty-three pages of commentary, and an introduction of over 100 pages on Byzantine financial administration. I am not qualified to judge Dr. Dölger as an editor of texts; but all competent critics agree in praising his sure method and extensive diplomatic and philological knowledge. And it is obvious that the commentary is worthy of the edition. I am more at ease with him as an historian of finance. His contribution may be divided into three parts: the central and provincial financial administration, the survey, and the taxes on the rural population. On this last point much has been written. Dr. Dölger has succeeded in throwing fresh light upon it by a minute study of the acts and diplomas, published in such large numbers in the last sixty years, but not yet collected in a *corpus*; for the most complete collection, that of Miklosich and Müller, contains only a part, while since then Petit, Uspenski, Regel, Lampros, and others have published many important documents. None seem to have escaped Dr. Dölger, who, thanks to an attentive study of them, from the sixth-century papyrus of Marinus of Ravenna to the *praktika* of the early fifteenth, has elucidated a hitherto unsolved problem, that of the Byzantine survey. He shows its marked similarity to that of the Lower Empire, and its influence on the similar registers of the Arabs, Venetians, and Serbs. He proves also that the Byzantine *κώδικες* or *πρακτικά* had merely fiscal objects, and were a *Kataster*, not a *Grundbuch*. More original still are his chapters on the Byzantine financial administration and its organs. Here his work is mainly philological; he fixes the meaning of each term etymologically and historically; he takes each department in turn, and collects all facts relating to them from the most diverse sources; then he does the same for each dependent organ of these great offices. The total work involved is amazing: the book is one of those which have advanced knowledge, and if future investigators can perhaps rectify certain conclusions or complete some pieces of information, they must recognize his services. The form alone calls for some criticism: the author's aim has been to instruct rather than please his readers.

A. ANDRÉADES.

Kaiser Heinrich IV und seine Helfer im Investiturstreit, stilkritische und sachkritische Untersuchungen. Von BERNHARD SCHMEIDLER. (Leipzig: Dyksche Buchhandlung, 1927.)

Is it possible that, in spite of the formal language of official documents, particular tricks of style and peculiarities of expression may enable us to group together and assign these documents to individual authors, whose

¹ 'A Byzantine Treatise on Taxation', *Journ. Hellen. Soc.* (1915), xxxv.

² *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* (1927), xx, 108.

very identity may be unknown to us ? This is the problem which Professor Schmeidler has essayed for the diplomas of the Emperor Henry IV and the other documents in collections containing those diplomas (especially the *Codex Udalrici* edited by Jaffé in his *Monumenta Bambergensia*). He describes in his last chapter, which, as he suggests, may suitably be read first, the various false trails he followed before arriving at his final solution. In the result he assigns the more important of these documents to four 'dictators', three of them Germans, from Aachen, Bamberg, and Mainz, the fourth an Italian. The first of these, Gottschalk of Aachen, had already been identified by Gundlach, but owing to overmuch emphasis on superficial similarities he had attributed to him more than his fair share. Professor Schmeidler shows that in several cases the differences in style outweigh the similarities.

He has certainly advanced the solution of the problem a stage farther than Gundlach, and his methods must command approval up to a point, though it is impossible for one who only knows the contents of the documents as historical material to criticize in detail an author who knows their wording by heart. But it would seem that Professor Schmeidler claims far too much for his system, and in particular that he has been carried away by his enthusiasm into attributing, as Gundlach had done to Gottschalk, too much, at any rate to his Mainz 'dictator'. It is startling to be told that the weak and shifty letters of archbishop Siegfried of Mainz to Gregory VII, the violent denunciations of the pope by Henry IV in 1076, and the pathetic appeal of Henry to Philip I of France in 1106, not to mention the *Vita Heinrici IV*, all reveal themselves from their style as the compositions of one man. Moreover, from these and other attributions various conclusions of importance are drawn, and in the case of two letters we seem to arrive at a *reductio ad absurdum* of the method. We are given to believe that a letter, ostensibly written by the clergy of Bamberg detailing the circumstances of their bishop's deposition, and depicting the archbishop of Mainz in a very unfavourable light, was really composed by the Mainz 'dictator' to justify the archbishop's conduct. In the other case—a letter written by William II¹ of England to Henry IV—the logical conclusion arrived at is that the Mainz 'dictator' travelled to England with a letter he had composed for Henry IV, and was there given the task of composing William's reply. If these are the logical results, few people will hesitate to reject the premiss: there is clearly something wrong with the attribution. So, too, with other conclusions of the author. Ascribing to these four 'dictators' all the important documents that issued from the royal chancery, he attributes to them a personal influence on affairs for which there is no other evidence. Indeed, both the king and his chancellors often are made to exercise quite a subordinate part in the direction of the policy of the kingdom.

In fact, the author's conclusions are too definite to command agreement. A limited grouping might certainly be accepted, and some tentative information derived therefrom. But, as in modern times, a new secretary will start by copying the formulae of his predecessor, though he may later

¹ There is no necessity to ascribe this letter, as Professor Schmeidler does, to Henry I. His view that the Count R. referred to is Robert of Flanders and not Robert of Normandy would fit the reign of William II.

adopt characteristic expressions of his own, and in his turn will be succeeded by an imitator ; so it must have been with composers of official documents in medieval times. And it is surely unsafe to ascribe to the drafter of a document the instigation of the policy therein contained. However, Professor Schmeidler has broken fresh ground, and has opened up a field in which others may profitably work. One cannot but be impressed by his patience and ingenuity, and by the sincerity of his search for the truth.

Z. N. BROOKE.

The Liber Pauperum of Vacarius. Edited by F. de ZULUETA. (Selden Society, vol. xlv.) London : Quaritch, 1927.

THIS is a unique volume in the Selden Society series. In the matter of its publications the avowed object of this society is the printing of manuscripts and of new editions and translations of books having an important bearing on English legal history. All of the forty-three volumes which have hitherto appeared meet this historical requirement. The *Liber Pauperum* does not. On English legal history as such it not only has no important bearing, but apparently no bearing at all.

Perhaps what we had already learned from Wenck and Maitland should have put us on our guard against expecting from Vacarius very much that touched directly on the English law of his time ; yet until a systematic study of the extant manuscripts of the *Liber Pauperum* had been undertaken the question most frequently asked by those who were interested primarily in the history of English law could hardly be answered, namely to what extent the very appreciable influence of Roman law upon English law in the twelfth and thirteenth centuries was connected with Vacarius and his work. Now it appears that there was no connexion. At least there was no connexion that can be traced, between Vacarius and that Romano-canonical learning that from Henry II to Edward I so strongly affected the growth of English jurisprudence, and made itself felt in the development of substantive law and procedure, in statutory enactments, and in written treaties. In Professor de Zulueta's own words, 'it is unlikely that a specific Vacarian influence on English law will ever be shown'. For the *Liber Pauperum* is pure Roman law. In it the brilliant young civilian, who in Stephen's reign was brought to England by Archbishop Theobald to help him in his litigation with Henry of Winchester, found no place for any discussion or notice of the customary and unwritten native law. And this in spite of the fact that in his prologue he, like William of Drogheda and Bracton in the next century, professes to be influenced in his selection of material by legal matters of everyday importance. That the writer thus shows himself not only not interested in English law, but seemingly quite ignorant of it—even the glosses, prepared as they were for English students, being strikingly barren in the matter of things English—is what we might normally expect, if, as Robert of Torigni tells us, the book was written very shortly after the coming of Vacarius to England. The few references to English law which are found in the manuscripts come only in casual notes, notes that were probably not written by Vacarius himself, and some of which, as those that show a knowledge of Magna Carta or of the text of Bracton, could not have been written in his

generation. It is an English law-book only in the sense that it was written in England for students there who wished to study Roman law. As far as anything else that would connect it with England is concerned, it might just as well have been written in Bologna. Both in treatment and in content the work is 'a typical product of the Bolognese school', in which Vacarius says only 'what any glossator might have said'.

Though conditions in England did not affect the subject-matter of the book, they did affect its form. Texts of the Code and Digest undoubtedly were rare in England. Nor is there any reason for supposing that texts of the Institutes were at all common, though from the fact that Vacarius did not start with the Institutes, Professor de Zulueta draws the inference that they were at least already known and accessible. Notwithstanding this scarcity of texts, there were English students who were desirous of studying Roman law. Like many, if not most, of the medieval students they were poor, too poor to buy Roman law texts in their usual costly form. So Vacarius was urged to compile a work that would be short and inexpensive. On the basis of these two requirements the *Liber Pauperum* was written: adherence to them largely determined the make-up of this medieval schoolmaster's book, a book of selected texts. Based in a general way upon the first nine books of the Code, it draws upon every book of the Code except the twelfth. As the result of a definite rearrangement made by Vacarius, the order of titles as they occur in the Code is not followed, and titles from the Digest are interwoven with those from the Code to such an extent, indeed, that every book in the Digest except books thirty-six and forty is represented. In copying his selected passages Vacarius made no pretence to follow the text of the Corpus Juris verbatim. Not only are words and phrases found in the Code or Digest omitted by him, but sometimes also passages of considerable length. Often the text as given in the *Liber Pauperum* is only a paraphrase of the original. This manipulation of Justinian's text Vacarius feels called upon to apologize for and defend, his main arguments being that the needs of English students make his method necessary, and that as Roman law is not in force in England, his failure to follow precisely the longer text can have no evil effect. Queerly enough, additional extracts from the Corpus Juris, extracts that can in no way be considered as glosses, are placed apart from the main passages and in the margin, occupying a position as it were between text and gloss. Undoubtedly the reason for this unusual arrangement must have been, as the editor suggests, the desire of Vacarius to juxtapose interconnected passages, a procedure rendered all the more necessary because of his refusal to follow the accepted order of titles and subjects.

The freedom which Vacarius allowed himself in abbreviating and rearranging the text of Digest and Code, while perhaps necessary as a temporary measure of expediency, was bound very decidedly to lessen the importance of his book as soon as anything like complete texts of the Roman law became available. The result was that his influence, even in the Anglo-Norman schools, was of brief duration. Elsewhere he passed yet more rapidly into oblivion.

Primarily, it is as a book of glosses that the *Liber Pauperum* is important. On these glosses the editor has been forced to spend a remarkable amount of labour, work that must at times have become extremely tedious,

for many of the glosses by no stretch of the imagination can be called interesting, and even when curious they are often unimportant. Lacking the lively virility of the contemporary English legal records, their study necessitated, as we are told, 'the following up of points of interpretation into a literature which is both difficult of access and singularly devoid of charm, and, for all its importance, of living interest'. The greater part of the long introduction necessarily is taken up with explanations, interpretations, and discussions of the glosses, in all of which Professor de Zulueta has shown both depth of learning and admirable technique. To attempt to analyse these matters in the introduction, and at the same time do justice to its scholarly character, would be impossible within the limits of a review. One thing, however, may be pointed out as indicating a type of problem that confronted the editor, namely the fundamental difficulty of knowing the actual authors of the various glosses. Very few are authenticated by *sigla*, many are quite evidently misplaced; very infrequently is the first person employed, some glosses criticize Vacarius; it is not an uncommon occurrence to have the manuscripts which give a particular gloss differ in expression but be the same in substance. The typical Vacarian manuscript reserves one of a number of gloss columns for the main gloss, but even with this help the lack of uniformity existing among the manuscripts and the loss of considerable portions of the book in some of them make the identification of all of Vacarius' own glosses no easy matter. That a list of such glosses is given in a separate index is only another proof of the painstaking effort that has gone into the making of this edition.

Unlike many of its companion volumes that bear the imprint of the Selden Society, this book fortunately has no translation of the Latin text: space is not wasted in doing what any one who is capable of using the work to advantage can do for himself. The editor's foot-notes are likewise in Latin, another logical innovation when it is considered that, of those who will actually and technically be interested in this edition of the *Liber Pauperum*, the largest number undoubtedly will be continental civilians to whom such notes in Latin should prove rather a help than otherwise. We would, in passing, express the hope that editors of future volumes in this series which have to do with Latin texts or documents may follow the example here set them in omitting an English translation. What is needed most of all is to get into print in as near its original form as possible manuscript material which is inaccessible to scholars at large. Translations can wait. As a case in point: we are that much the poorer in our printed source materials for the study of medieval English law, and of social and economic conditions in the thirteenth century, because that excellent initial volume of the Selden Society's publications, *Select Pleas of the Crown*, devotes only one-half of its two hundred and eighty pages to the original Latin text of the plea rolls, while an equal amount of precious space is sacrificed to a translation that is not needed by scholars.

The editor states that he had not collated all the manuscripts in all their parts. Considering the number and condition of his manuscripts this failure fully to collate can hardly be regarded as a defect. A more complete collation would doubtless have resulted only in a further mass of detail, and have tended to make unwieldy a book that had already outgrown

its originally intended proportions. While there are a few spots, such as in Bk. vii, Tit. 17 (*De adquirenda vel retinenda vel amittenda possessione*), where a more extended collation might perhaps have yielded something of value, the need of a fuller general collation was anything but imperative.

It may, perhaps, be regretted that Vacarius was so little English in his *Liber Pauperum*. Be that as it may, the subject-matter with which he had to deal, unappealing as of course it will be to many, detracts not at all from the high quality of the editor's work. In fact, the work of editing is so well done that it should go far toward alleviating any disappointment that may be felt by those students of English legal history who have so long awaited the appearance of this book for what it might contain on twelfth-century English law.

G. E. WOODBINE.

The Great Roll of the Pipe for the Fourteenth Year of the Reign of King Henry the Third, Michaelmas 1230. Edited by CHALFANT ROBINSON, Ph.D., Curator of Medieval History, Princeton University. (Princeton: University Press, 1927.)

THIS volume, the fourth issued in the new series published by the Pipe Roll Society, is a gift to the society. A reviewer may be permitted to congratulate the members of the society on the possession of a volume bestowed upon them by the munificence of one of themselves, even though it is not permissible to conjecture his name.

We are now beginning to have sufficient material to form an opinion of the value of the Pipe Rolls for historical purposes. Up to the beginning of the reign of King John they are, of course, the only consecutive series of official rolls which we possess, and are in consequence invaluable. They do not tell us all we want to know, and are never easy to use, but of their kind they are all we have. In the reign of John the Chancery Rolls begin, and the Pipe Rolls become of less importance. But they continue to be of great importance, as the only consecutive series of financial rolls in existence. In the reign of Henry III other rolls begin to compete with them in this field, and by the reign of Edward I the Pipe Rolls have lost much of their value as an historical source, and become a series of rolls studied rather for its own sake than for the information to be found in it. One portion only retains its old importance, the Foreign Accounts or accounts rendered by accountants other than the sheriffs, or by the sheriffs themselves when engaged on special duties. To these may perhaps be added the accounts rendered by municipal authorities and certain scattered items in the county membranes. But the real importance of the Pipe Rolls after some date in the thirteenth century will lie in the Foreign Accounts, the *Diversi compoti* as they are sometimes called, or the *Rotuli Compotorum*. Any one who has used these accounts, especially in connexion with the subsidiary material on which they are based, knows their value. The result of this brief survey may be stated shortly. We shall need all the Pipe Rolls down to the beginning of the reign of Henry III; we must examine the Pipe Rolls of that reign to know what we shall need. After the reign of Henry III we shall probably need very little of the purely county accounts; but we shall assuredly need as much as we can get of the Foreign Accounts until they in their turn become a mere survival, and the new financial

system introduced at the beginning of the fifteenth century replaces them. No doubt there will always be discoveries to be made even in the county accounts, points to be studied, problems to be solved. But the main mass of important material for history will not lie there after the beginning of the reign of Edward I.

Even in the present roll this begins to be clear; unfortunately it contains only two foreign accounts, the best one being the account of the keeper of the manor of Marlborough, not by any means the most interesting kind of account to the general historian. There is no wardrobe account, no account of any of the special offices which come into existence at a later date. The king's works are still being done by the sheriff; the coinage is still in the hands of local moneyers. Yet any one who compares the one Foreign Account with the sheriffs' accounts will be struck with the contrast between the wealth of detail and the order shown in it and the jejune information and difficulty of the accounts grouped under the counties. One case will show the troubles that meet us in these cases. There are at least three mentions in the roll of an embassy sent to the court of Rome. On p. 109, under London and Middlesex, Alexander de Swerford accounts for the expenses of such an embassy in which he himself and Henry de Cornhull took part. As the account relates to a question of arrears, all that can be said of the date of the embassy is that it is earlier than Michaelmas 1230. On page 206 we find, under Warwick and Leicester, Walter de Cantiluppo also accounts for an advance made to him for the same purpose, with an additional note that there is mention of this in the memoranda of the twelfth year. This embassy therefore is not later than that year. On p. 111, under Kent, we find the sheriff of Kent crediting himself with an advance made to Thomas de Bendenges also for an embassy to the court of Rome. This advance was probably made in the year of our roll. We may conclude that there were two embassies, and guess that there were three. But all that the Pipe Roll really does is to start us on an inquiry into the facts of the case; and for these we shall have to look at the Chancery Rolls, or at the Memoranda Rolls of the Exchequer.

Or take another case. In his introduction the editor has worked out in some detail the story of the king's unfortunate campaign in Brittany. There is a good deal about the preparations for this scattered about the various counties in our roll. There are detailed entries under London (p. 97) of the cost of the construction of the king's great pavilion, eighty feet long, and for the packing of it; and as these items are associated with others such as the carriage of feathers for the king's arrows, it is fair to conclude that the pavilion and the 'barhud' in which it was packed were also intended for the king's use in his campaign. Hampshire gives a large number of items of expenditure for the army, naturally, as the king embarked his troops at Portsmouth. Not all are charged on the sheriff; the farmer of Tichfield, Geoffrey de Lucy (p. 200), supplied gangways for four ships, and the men of Southampton found carriage for wine, lead, and hurdles to Portsmouth, and also paid for the lead. There may be other notes of such expenses in the roll which escape discovery, though I have noticed none myself which the editor has not discovered. Still the point is that in order to complete his account the editor has wisely gone to many other sources which were open to him, and that the Pipe Roll

alone would not have enabled him to tell much of the story. The evidence of the Pipe Roll is still needed, it is still important, but there are signs that it is becoming less so. As years go on, this tendency will increase, until the county portion of the Pipe Rolls becomes of little importance and the Enrolled Accounts and the documents subsidiary to them take their place.

But this is perhaps too large a question to discuss in a review. There are plenty of other points worth noting in the roll. Accounts of scutages always have their interest, and there are several running through the roll. Most counties have notes of works carried out by the sheriff on castles, royal houses, and the like. Here and there a note may be picked up showing the existence of local mints: there is a mysterious item on p. 76 where the men of Nottingham render an account *de totis monetariorum*. York, Norwich, Thetford, Ipswich, and Colchester are fined *in defalta monetariorum*, the last being short of four moneyers. Perhaps here may come one of the few complaints that must be made. At the end of the text comes the schedule of combustions, which, as is well known, is only found on the chancellor's roll. It is followed by a note, which runs as follows: 'The amounts set against these combustions represent the cost of making the trial, and indicate nothing in regard to the fineness of the metal.'

This is, I think, a completely new explanation of these puzzling documents, and, if it is to be accepted, should have been accompanied by a full statement of the reasons for it. For there seem to be more difficulties in its way than might be supposed. It explains very little; we are not told on whom these expenses fall; were they paid by the exchequer, or by the accountant, or by the official assayer? Again, the variation in the amounts is astonishing, and the amounts themselves are very large. The cost of assaying the payment of 116*l.* blanch made by the farmer of Cookham and Bray (p. 5) is 4*l.*, a large amount. On the other hand, the farmer of Brill paid 8*l.* 19*s.* 11*d.* blanch and the cost of the assay is 5*s.* 7*d.* The variation is hardly to be understood, unless we suppose that the cost of the assay increased with the amount of the payment. The adoption of such a theory is impossible unless we discard the whole account of the process given in the *Dialogus de Scaccario*. The whole of that well-known passage rests on the assumption that a fair sample of the money paid in was taken and a portion of that sample assayed. It would make very little difference to the expense of an assay so conducted whether 100*l.* or 8*l.* was tested. Yet the theory put forward in this note suggests that the cost of the assay depends on the amount paid in. For this reason—and for others—I venture still to keep to the old view that the schedule of combustions does preserve the results of the assay and does show the amount by which the money actually paid by the various accountants fell short of its face value. But I am open to conviction of error, because the whole subject of the supply of money, the local centres of coinage, the schedule of combustions, and the effect of blanch payments are all so closely connected and so little understood that error is only too easy. All the same it will need much evidence to make the new theory seem credible.

There is little to say about the text. It bears every sign of careful and accurate work, perhaps a little too accurate in places, or at any rate in one place. There is much to be said for preserving all the peculiarities

of the medieval scribe in the matter of capitals and so forth. Yet sometimes it is a little hard on the reader. On p. 6 there is an entry, *Et episcopo Sar' xxx. l. in Godelmingges pro escambio de divisio*. It needs some experience to see at once that *divisio* does not mean boundaries, and does mean Devizes in Wiltshire, and to guess that there is some history hidden behind this transaction. No doubt it is useful to know that the exchequer scribe once at least used a small *d* where his reader will use a big one. Still an explanatory note is clearly needed in such cases, and in this case would have saved the indexer from omitting Devizes from the index of places, surely the most venial sin ever committed by an indexer.

There are many other things to note and admire in this volume: it is clear that there is still good material to be had in the Pipe Roll. The Pipe Roll Society and its munificent member, with whom the editor should certainly be joined, have done another service to history. It is not easy to make the Pipe Roll give up its information to us, but it can be done.

C. G. CRUMP.

Calendar of the Close Rolls preserved in the Public Record Office. Richard II. Vol. vi, A. D. 1396-9. *Henry IV.* Vol. i, A. D. 1399-1402. (London: Stationery Office, 1927.)

THE publication in the same year of these two Calendars makes it convenient to notice them together. The calendaring has been done in both cases by Mr. W. H. B. Bird, who has been responsible for nine previous volumes. The contents of the new calendars are, in the main, of the usual routine character, orders to escheators, writs of *supersedeas* (why did so many commissioners escape proceedings for negligence on the plea that the commission had not been delivered to them?), assignments of dower, parliamentary writs of summons and expenses, &c. There are, however, a certain number of documents which throw light upon the political crisis through which the country was passing in these years. Most of these are printed in full in the *Foedera*, but some minor ones of interest escaped its editors, such as, for instance, the misplaced writ which, as the present Deputy Keeper of the Rolls has pointed out in this Review,¹ corroborates the story of Rickhill J. that he was not informed of the nature of his dangerous mission to Calais in September 1397 until he arrived there, Richard's order to the sheriffs on 22 May 1398 to reside in their bailiwicks during the summer to repress any insurrections, riots, or unlawful assemblies, and a London addition to the assertions of the unhappy king's reappearance in 1402. Henry's arrangement for the keeping of Richard's anniversary (date left blank!) at Chertsey Abbey is also of interest. The earl of Westmorland's activities in securing retainers about this time may be noted. Of non-political personalities, Hoccleve the poet appears as resigning in 1400 his maintenance of Hayling Priory in favour of two successors, one of whom, like himself, was a king's clerk. A strange allegation that Richard by forgetfulness had granted the hospital of St. Giles without London to the abbot of St. Mary Graces by the Tower, though it had been in the possession of the master of the order of Burton St. Lazarus in England since the reign of Edward I, is unfortunately not settled here.

¹ *Ante*, xxxviii. 250.

Among matter of legal and administrative interest attention may be called to an imprisonment in the Fleet by the chancellor's word of mouth, a case of debt between two Norfolk vicars in the city court of Norwich, various illustrations of Crown interventions in borough courts by writ of error, the imprisonment of a sheriff of Devon for arrears of little more than £50, the refusal of the exchequer for four years to recognize the restoration of the liberties of London in 1392, and the elaborate indenture of Walter Merwe on his appointment in 1402 as master and maker of the king's moneys of gold and silver in the Tower of London and in Calais. Other documents very fully calendared owing to the interest of their details record the assignment of dower to Joan, widow of Miles de Stapleton, and a schedule of the lands of Kilburn Priory, both dated in 1400.

The earlier volume has the usual index, compiled by Mr. D. L. Evans, but the second is unprovided with one, the Deputy Keeper announcing in his preface that an index for the whole reign of Henry IV is in preparation and that it will form a separate volume. This intimation will be received with mingled feelings. The innovation permits an addition of over seventy pages to the text and a reduction of a pound in the price of the volume. It is a short reign and perhaps we may not have to wait long for the index volume, though the case of the *Book of Fees* is not altogether encouraging. The question remains whether the undoubted saving that will be effected by a separate index sufficiently compensates for the imperfect use that can be made of the volumes until it is published. The poor student who can only afford to buy odd volumes second-hand will not even have that to look forward to.

JAMES TAIT.

The Libelle of Englyshe Polycye. A Poem on the Use of Sea-power, 1436.

Edited by Sir GEORGE WARNER. (Oxford: Clarendon Press, 1926.)

MORE than two generations have elapsed since Thomas Wright (1861) re-edited, after Hakluyt, this famous poem for the Rolls Series, and more than half a century since W. Hertzberg (1878) repeated this edition, as it seems in a rather mechanical manner, his only original contribution being due to Reinhold Pauli's independent collations of Cottonian MS. Vitellius E. X. The present editor has enlarged upon the work of his predecessors not merely by correcting their slips and comparing, in addition to their four manuscript sources, five others from the British Museum (this once in the possession of Lord Burghley), the Bodleian, the Pepys Library at Magdalene College, Cambridge, the Gurney Library at Keswick Hall, Norwich, and All Souls College, Oxford, but chiefly by a most valuable critical apparatus consisting of an introduction, full foot-notes of readings (inclusive of those of Hakluyt taken from a now lost manuscript), an ample commentary, a glossary of words of both philological and historical interest, and an index of names. In a way, Sir George Warner might be said to have at last come into his own, for as he tells us himself (p. xxxix, n. 2), it was he who long ago made to Thorold Rogers the suggestion since taken up by others, and now worked out by himself, that the author of the *Libel* may have been Adam Moleyns or Molyneux, the friend of Aeneas Sylvius Piccolomini, and a most active partisan of William de la Pole, duke of Suffolk.

In the long series of political pamphlets that may be taken as forerunners of the later classical teaching of political economy in England, the *Libel* well deserves the place given it in Elizabethan times at the head of Hakluyt's *Voyages*. It is unequalled in the energy of protectionist thought which forms such a marked undercurrent in English economic thinking, as well as in the wealth of information it contains on the place of pre-Elizabethan England in the commercial system of the later middle ages. Indeed, until we realize, with the help of Sir George's careful investigations, the close correspondence between the author's official position as a clerk (and then as a member) of the King's Council and the actuality of his political remarks on the decay of Henry VI's navy, the commercial supremacy of the Flemish markets, and the passive trade balance with the Lombards and Venetians, we do not understand the part played by his poetical pamphlet in the slow transition from the 'colonial' stage of England's economic life to her later leadership of European capitalism. His use of metrical emphasis and of heraldic symbols such as the king's Great Seal and the noble coin to represent English supremacy on land and sea (as the editor shows by impressive photographic illustrations) must not blind us to the thoroughly serious and technical nature of his disquisitions on subjects so important in the history of commerce as, e.g., the limitations of 'hosting' (*Gästerecht*) upon the trading of foreigners, or the problems of maritime prize law which even at that time tended to distinguish, with consequences detrimental to English sea-power, friendly goods under enemy flags. Instead, then, of merely being one among an anonymous mass of contemporary 'Political Poems and Songs', distinguished perhaps by its aggressive spirit and its catalogues of commodities for trade, the *Libel* must henceforward be reckoned, by comparison with the administrative and legal records of its time, as almost an official document of the period in which the late Mr. Kingsford's researches have proved the Council to have laid the foundations for the great work of the Tudors.

One little point the reader will perhaps miss in the admirable handling of the poem by the editor: the English and Latin marginals, some of which are so important for the interpretation of the text, do not appear to have been sifted as to their manuscript sources and, consequently, their relevance for the question of revisions and transcripts.

C. BRINKMANN.

Correspondance d'Ottavio Mirto Frangipani, Premier Nonce de Flandre (1596-1606). Tome I. Lettres (1596-1598) et Annezes. Publiée par LÉON VAN DER ESSEN. *Analecta Vaticano-Belgica*. 2^e Série. Nonciature de Flandre, I (Rome: Institut Historique Belge; Bruxelles: Imbreghts, 1924).

MONSIEUR VAN DER ESSEN, who in his preface pays a handsome tribute to the late Alfred Cauchie, has done a great service to the history not only of the Low Countries but of Great Britain and all north-western Europe. Brussels was a nodal point in the diplomacy of the sixteenth and seventeenth centuries, and that was one reason why the curia established a permanent representative there in 1596, sending as the first nuncio Ottavio Mirto Frangipani, bishop of Tricarico in the Basilicata. In an admirable introduction the editor explains the working of a nunciature in general, and of the

nunciature of Brussels in particular. A nuncio, with his meagre pay, perhaps eighteen months in arrears, was held very strictly to the performance of the duties laid down in a formal 'Instruction' and supplementary instructions. Every week he must send full reports of his own and *avvisi* or newsletters collected by some agent, and if he had nothing to report he was to send a copy of his last letter *per non lasciar la buona usanza*. He had a special cipher for use when he wrote to the cardinal secretary of state, and a *cifra comune* whereby he might communicate with papal envoys to other courts. An excellent section on the manuscripts used explains that, as officials still took the view that their correspondence belonged to themselves, the set of documents in the Vatican archives—*Nunziatura di Fiandra* containing minutes of letters to, and originals from, Brussels—is far from complete. The gaps have been cleverly filled by the use of other collections in the archives and library of the Vatican, in the archives and library of Naples, and in various Belgian collections. Of the *Annexes* the longest and most important is a life of Frangipani himself, written in Latin, by his secretary Henri Stravius probably, and preserved in the Bibliothèque Nationale at Paris.

The peculiar business of Frangipani, who had been nuncio at Cologne since 1587, was to assert the 'Liberty of the Church', assailed even under good catholic princes by reason of state. He was also to promote the conservation of the catholic religion in the Low Countries and in England. His jurisdiction was confined to the Low Countries, but he was vice-protector of England, and when in 1622 the congregation *de propaganda fide* was established the British Isles, Norway, and Denmark, as well as the Low Countries, were placed under the surveillance of the nuncio at Brussels. British readers will find of peculiar interest the passages of the correspondence and the 'Life' which deal with catholic hopes of converting or intimidating James I and VI before and after his accession to the English throne. It is odd to find the earl of Huntly described as 'chef des catholiques anglais' (p. 36), and the Scottish gentleman of the secret embassy of 1597 (p. 129 and p. 332) can hardly have been Edward Drummond, whose mission was accomplished two years later. The project of using the good offices of Lorraine and Tuscany was later carried into execution by Balfour of Burleigh, between the years 1598 and 1604; but there is no record of an earlier mission by this adventurer, though he certainly did meditate a journey abroad in May 1597. The evidence here produced makes it seem possible that he went at least as far as the Low Countries. On this, and other matters connected with the catholic schemes of regaining the British Isles for the papal obedience, the future volumes of this valuable series may shed fresh light. Both in its design and in its execution the book reflects the greatest credit upon its producer.

J. D. MACKIE.

Graves' Memoirs of the Civil War, compiled from seventeenth-century records. By F. A. BATES. (Edinburgh and London: Blackwood, 1927.)

THE contents of this sumptuously printed and illustrated volume are very miscellaneous, and the title scarcely indicates their character. In part it is a genealogical compilation containing about a hundred pages of notes, abstracts of wills, legal proceedings, and similar matter concerning families

of the name of Grave or Graves in various counties, completed by six pedigree charts in a pocket. The rest of the book consists of biographies of four or five prominent men of the name with some biographical notes on others.

The man to whom most space is devoted is Col. Richard Graves, who after being colonel of a regiment of horse in the army of the earl of Essex, and under Fairfax in the New Model, turned royalist in 1647, accompanied Charles II to Scotland in 1650, and was taken prisoner at Worcester in 1651. He was a good soldier, and his services are traced in detail and elucidated by facsimiles of pay warrants and other official documents from the Exchequer Papers, interesting as examples of their form as well as evidence. Unluckily Mr. Bates has missed the part taken by Graves in the battle of Rowton Heath, on 24 September 1645, in which, says the printed narrative, 'that gallant gentleman was sore wounded' (*The Siege of Chester*, by R. Morris and P. H. Lawson, 1924, pp. 113, 119, 160). Nor has he discovered the interesting autograph letter in which Graves (or Grevis as he signs himself) informed Sir Philip Stapleton of the mutinous condition of the regiment under his command which formed the guard of Charles I at Holmby. A day or two later they drove Graves away, and enabled Joyce to seize the king. This letter is amongst the Tanner MSS. vol. lviii, fo. 141; it is printed in the *Clarke Papers*, i. 434. Graves was a good soldier, but Mr. Bates overrates his political importance. Edward Massey, with whom he was classed as being one of the chief representatives of the English Presbyterians, was actively engaged in the attempted rising of 1659, but Graves took no part in politics after his release in 1652. As his friend Richard Baxter says, he 'lived quietly at home which made him ill-thought of, and kept from preferment afterwards when the King came in' (*Reliquiae Baxterianae*, p. 69).

Mr. Bates devotes about forty pages to Thomas Graves of Moseley (the elder brother of the colonel) and to his wife Mary Graves. She claimed to have assisted the king's escape after Worcester, besides suffering losses to the extent of £30,000 for the king's cause. Proof of these assertions is not given, but she did succeed in obtaining about £1,700. The lady's letters—printed at length with facsimiles—give an unfavourable impression of her character, and her statements rouse scepticism. Richard Graves of Lincoln's Inn, whose career is traced in detail, was a lawyer of repute during the interregnum who deserved a brief biography. He was the grandfather of Richard Graves of Mickleton, well known as an antiquary and often mentioned in the Diary of his friend Thomas Hearne, and the great-grandfather of the Richard Graves who wrote *The Spiritual Quixote*.

Extracts from wills and notes concerning many other persons of the name of Graves or Greaves are given in great quantity, and in the next edition of the *Dictionary of National Biography* this book will be of use. Of the illustrations, besides facsimiles of letters, there are five broadsides of the commonwealth period which are of great interest, though they have very little connexion with the text. One of these broadsides is the famous caricature picturing the Scots holding the nose of Charles II to a grindstone; another, 'A Mad Design', relates the escape of that king after the battle of Worcester. The third and fourth gives lists of the victories of the commonwealth by sea and land, and the fifth is a list of the nobles and

officers who suffered for the king's cause, in which there is a head representing Col. Graves. Other illustrations are reproductions of the first and last pages of *Killing No Murder*, which Mr. Bates attributes entirely to Titus, but he does not take into account the evidence showing that it was the joint work of Sexby and Titus.¹

C. H. FIRTH.

The Petty Papers. Some unpublished writings of Sir William Petty. Edited from the Bowood Papers by the MARQUIS OF LANSDOWNE. Two volumes. (London: Constable, 1927.)

ENOUGH is already known about this remarkable man to make it important to publish every ascertainable fact about him and his writings, and we are greatly indebted to Lord Lansdowne for undertaking the laborious task of deciphering Petty's vagrant script and editing this instalment of his numerous 'tractatiunculi', as Aubrey called his shorter writings, and also a selection of those lists and heads of discourses or essays which were perhaps never amplified or completed. Shortly before his death Petty had fifty-three boxes filled with his papers. Those here published come from two sources. Some were kept continuously by Petty's descendants, and thus came through his daughter Ann to the present editor. Others were preserved by Sir Robert Southwell, Petty's cousin by marriage and constant correspondent, and remained in the Southwell family until 1834, when they were bought by the third Lord Lansdowne. Only a selection of these papers has now been published. Whole classes, such as Medical Studies (mostly in Latin), Naval Papers, Satires and Poems, have been omitted, and also, as having only a local interest, Papers concerning his Irish property. Many, however, would have wished to learn more about the little colony in the neighbourhood of Kenmare and Petty's endeavours to develop iron-mines, fisheries, and timber trade in County Kerry. Incidentally we learn that, contrary to what has been stated, the iron-ore smelted about Kenmare was not imported, but was found on the spot, though later on, in the eighteenth century, the supplies became exhausted (ii. 125).

The papers here published have been arranged in groups according to their subjects, and besides a general introduction to the whole the editor has prefixed short explanatory notes to each group. These are admirable and a great help to the reader. What strikes us most in the papers is the amazing variety of the subjects which attracted Petty's attention and the originality of his 'ratiocinations' about them. Again and again we find his prospective ideas anticipating in part the conclusions of later times. In politics he had schemes for a union of England, Scotland, and Ireland, and for a general council in which all, including the colonies, should be represented. He advocated adult male suffrage for the election, in the first instance, of those who were to choose the representatives. He also proposed that there should be representative peers for Ireland. He anticipated the act of 1888 by proposing that the three cities of London, Westminster, and Southwark should be made a county for administrative purposes. And he was very keen about introducing a Land Registry both in Ireland and in England, which among other advantages 'would cause Caterpillars

¹ See *ante*, xvii. 308.

about Courts of Justice to lessen'. Then there were his mechanical inventions, such as his double-bottomed boat, anticipating the Calais-Douvre; his paddle-wheel worked by man-power; and his war-chariot, intended to serve some of the purposes of the 'tank' of to-day.

The papers concerning Ireland here printed were for the most part written after the accession of James II, when the interests of the catholics were being promoted and the prospects of the protestants, including the little colony at Kenmare, were becoming dark indeed. Petty's 'True and calm Narrative of the Settlement and Sale of Ireland' (i. 49-55) seems to have been intended as an answer to an anonymous pamphlet published in 1685 and believed to have been 'inspired from high quarters'. Petty's reply helps us to understand the confusion and injustice brought about by the conflicting legislation and corrupt administration of the Acts of Settlement and Explanation. In another paper, written in 1671, Petty states that as a result of the settlement the Irish catholics retained ten twenty-sevenths of the land and the protestants held the remaining seventeen twenty-sevenths (ii. 228). (Lord Lansdowne, who in several places justly points out errors in Petty's arithmetic, here disputes Petty's calculation. But in this case it is Lord Lansdowne who is at fault. He omits to take into consideration Petty's statement that prior to the rebellion the protestants held one-third of the land, which, of course, they afterwards recovered.) With a view to detaching James from countenancing the extreme measures then impending, Petty proposed the interchange of Irish catholics and English protestants on a large scale, so as to reduce the existing disparity between the two religions in each country (i. 59-63). He made many other proposals to the new monarch for the reform of church and state, including one for the appointment of himself as accountant-general for all the king's dominions, 'all which', he says, 'was very well taken, but without getting butter to my parsnips or hobnails to my shoes'.

But Petty's best claim to renown is, as Lord Lansdowne says, that 'he was the first to attempt the systematic collection of social facts and figures and to base upon them deductions both political and economical'. He was thus the forerunner of our modern political economists. Hitherto, however, there has been a question whether the actual originator of the statistical method was not rather Petty's friend, Captain John Graunt, over whose name was published in February 1662 'Observations on the London Bills of Mortality'. This authorship has been disputed from the first. Petty's contemporaries, Aubrey, Evelyn, Halley, and Bishop Burnet, were all convinced that Petty was the real author, though he never would acknowledge it. Professor Hull, however, has recently pronounced in favour of Graunt. Lord Lansdowne now brings some fresh evidence to bear on the question. He shows that in addition to those already mentioned, Robert Southwell, Petty's intimate friend, and John Houghton, a member of the Royal Society, both attributed the work to Petty. Further, in one of Petty's lists of his own writings, made in 1671 and clearly intended for his own eye only, appears opposite the date 1660 'Observations on the Bills of Mortality' (ii. 262). Turning to the internal evidence, Lord Lansdowne shows that there is scarcely a page of the 'Observations' that does not forcibly recall some passage of Petty's known authorship, and finally gives, as we think, a very probable account of both Petty's and

Graunt's share in the work, and an explanation of the reason why Petty always refrained from publicly acknowledging his share.

GODDARD H. ORPEN.

Correspondentie van Willem III en van Hans Willem Bentinck. Eerste Gedeelte: Het Archief van Welbeck Abbey. Vol. i. Edited by N. JAPIKSE. ('s Rijks Geschiedkundige Publicatiën. The Hague: Nijhoff, 1927.)

THIS is the first instalment of a very important publication which is to contain the available unpublished correspondence of William III and his friend who became the first earl of Portland, not merely the correspondence between the two, but the letters exchanged by each of them with all his chief correspondents. In the days when those great men were alive the English had to welcome Dutch soldiers who came to preserve their liberties : even now we have to welcome Dutch editors who come over to publish the records of those transactions. Almost the whole of this volume comes from English archives : the greater part from Welbeck, a portion from 'King William's Chest' in the Public Record Office, only a small part from The Hague. The Introduction, which clearly explains the complicated but admirably systematic plan of the whole work, is given in both Dutch and English, and as almost all the text is in French, the work is such that an Englishman can use it without being seriously hindered by ignorance of the Dutch language. It is not too much to say that both in design and in execution it is a model of what such a publication should be. Nothing is wanting and there is nothing superfluous. The editor has shown unflinching judgement in knowing when to supersede an old partial edition like that of Grimblot by printing in full what it has given in part, when to print passages omitted from selections like those of the *Archives de la Maison d'Orange-Nassau*, and when to content himself with referring the reader to an existing publication.

Much of what is here given is thus not altogether new, and the greater part of it is closely related to the great store of published documents of the period ; but the present collection will clearly be of high value in completing and making continuous what was previously disconnected and lacking in perspective. This first volume clears up a number of points which were left doubtful by the few previous writers who had access directly, or like Macaulay indirectly through Mackintosh's transcripts, to the papers at Welbeck. It brings out clearly the role of Bentinck in affairs : Dr. Japikse hardly goes too far when he describes him as 'a Prime Minister, without portfolio and without official appointment, for Dutch affairs, and also for English affairs after 1688' until his retirement. William III spent most of his life in negotiating with men of every degree of duplicity and the one honest human being, except his wife, with whom he was ever really intimate has therefore a unique importance. The letters between the two show little skill in expression, and less in French grammar and orthography. For the most part they are filled with matters of state, though there is a good deal about hunting and a little about William's other passion of gardening ; but there are also a certain number of pieces, hitherto unknown or known very imperfectly, which bear directly on the two men's characters and their personal relations. They show at close range the depth and

strength of the friendship, the difficulties of temperament on both sides which it survived for thirty-three years, the strong sense and self-control which dignified the ultimate estrangement. They belong, naturally, to the periods when the two were separated. For Bentinck's missions to England in 1677, 1683, and 1685, and to Berlin in 1688 they add a little to what is known and give confirmation where the evidence was indirect. For William's expedition to England they give new light on William's own state of mind, and add interesting details, such as a memorandum of Herbert in August 1688. For the Irish campaigns they are similarly helpful, and also for some of the continental campaigns (1690, 1692, 1696). There are very full letters on the differences with Amsterdam in the year 1690, and the English financial crisis of 1696. On Portland's mission to France in 1698 there is the important new contribution of his secret and additional instructions. To the history of the partition treaties useful additions are made not only by the letters of William and Portland but by the next most important block of letters in the volume, the new letters of Heinsius to both of them. These are similar in manner and content to the published letters of Heinsius to the king, and they deal, though not continuously, with the whole diplomatic business of the period from 1693. The last of them describes the meeting of Heinsius with Marlborough on 28 March 1702: 'he seems to me well-disposed to the common cause and to this state and testifies to me also that he has moderate sentiments in regard to England'. Portland's account of Heinsius himself (p. 81) is even more interesting. Both in these larger bodies of correspondence and in the shorter series of letters from other hands there are a number of incidental passages on all kinds of subjects. The principality of Orange, the Frisian branch of the Nassau family, the government of Rotterdam, English politicians, naval preparations and the other miscellaneous matters that might be expected, all have their places. For light reading there are two first-class stories of spies, plots, and detection, one contributed by Romeyn de Hooghe, the engraver (pp. 374 ff., 420 ff.), the other by the organist van Blanckenburg (413 ff.).

The best feature of all is the annotation. The notes are pointedly brief. The accuracy and fullness of the identifications of persons, places, and incidents are remarkable. Among some thousands of foot-notes I have found a few in which corrections may be made. It seems to me that the document numbered 30 should be placed before no. 27: it is the memorandum of the remarks which Bentinck there reports himself as making. The 'dessin' left unexplained in p. 33, n. 41, was the expedition to fish up treasure from a sunken Spanish ship off San Domingo: its exciting history has not yet been fully investigated.¹ 'Clerck' of p. 160, n. 5, is neither Edward Southwell nor Gilbert Clerke, but George Clarke, who at the time in question was secretary-at-war in Ireland. The Lord Hastings of p. 256, n. 4, is Theophilus, afterwards seventh earl of Huntingdon, still heir to his father and not yet of age.² In p. 447, n. 3, the suggested 'voor de post' should be omitted.³ These points will seem trivial, but that is only

¹ See *Dict. of Nat. Biog. s.n.* Sir John Narbrough, Sir William Phipps; Charnock, *Biographia Navalis*, iii. 316-17; *Hist. MSS. Comm.*, *Dartmouth Papers*, i. 135-6.

² Gibbs, *Complete Peerage*, vi. 376.

³ See my notes on Dr. Aglionby in *Notes and Queries*, 12th ser., ix. 142.

a proof of the exactness of Dr. Japikse's craftsmanship, and it is worth while to offer these small amendments for a work which will be indispensable to all future historians of William III. To attempt a full estimate of the contribution which it makes to our knowledge would be more properly the task of such historians than of a reviewer, and it would be better to make it when the publication is completed than at the present early stage. Enough has been said to show that historians will be grateful not only for the new information which Dr. Japikse has put at their disposal, but also for the aid he has given in making it ready for use.

G. N. CLARK.

British Diplomatic Instructions, 1689-1789. Vol. iv, *France, 1721-1727.*

Edited by L. G. WICKHAM LEGG. (London: Royal Historical Society, 1927.)

THE classic introduction to the study of the diplomatic history of Europe is to be found in the admirable *Recueil des Instructions données aux Ambassadeurs et Ministres de France*, which, in a series of sumptuous volumes, deals with the period from the treaty of Westphalia to the outbreak of the French Revolution (1648-1789). The Royal Historical Society deserves the gratitude of scholars for its attempt, on a far more modest scale, to print the instructions to British envoys between 1689 and 1789, i.e., roughly speaking, in the eighteenth century. Two volumes, both edited by Mr. Wickham Legg, have appeared so far on the relations of Great Britain with France. The present volume covers the period 1721 to 1727, whereas its predecessor, which included the interruptions caused by two wars, dealt with the years 1689 to 1721. One cannot help feeling that, if the Society had been free from hampering considerations of size and cost, the adjustment of dates would have been different. For the first three years in the present volume Europe is still mainly concerned with problems arising from the Alberoni disturbance and from the settlement of the Baltic quarrels. It was not till 1725 that a new and wholly unexpected situation was created by Ripperda's negotiations at Vienna. And the year 1727, the date of George I's death, is no dividing date in the history of Europe. The present volume leaves us in the middle of an enthralling diplomatic drama which began in 1725 and did not end till 1731 or 1732. Such an unsatisfactory break, leaving us to wait for perhaps another two years—the period separating this volume from its predecessor—for the documents which continue the story, savours too much of the methods of magazine publication. If the arrangement of subject-matter is to be any guide, the first volume should have gone on to 1725, and the second volume should have continued to 1732. That would have left the Polish succession as an appropriate starting-point for the next volume. It is devoutly to be wished that some public or private benefaction could be obtained to free the Society from sordid compromises, and enable it to employ more editors and to hasten its publications.

The French Foreign Office was much more considerate than the British of the future student of diplomatic history. Every French envoy set out for his destination with a regular plan of campaign in his pocket. His instructions gave him an historical sketch of the chief problems of Europe

so far as they concerned the court he was going to ; a careful estimate, based upon the reports of previous envoys, of the principal personages he would have to deal with ; a clear statement of the French aims which he was to further ; and only one stereotyped paragraph, asserting the government's right of property in all official documents, and directing the envoy to give them up at the close of his mission. If this clause had been adopted in Whitehall, it would have averted many quarrels and some scandals, but it would also have deprived the British Museum of some of its most valuable possessions.

The British envoy, on the other hand, received in most cases a merely formal set of instructions, consecrated by generations of usage, which might almost have been printed for permanent use with appropriate spaces for dates and proper names. Its perusal must have left the envoy, as it leaves the modern reader, no wiser than he was before. His real instructions came subsequently in a series of dispatches from the secretary of state to whose department he belonged, and these deal with detailed problems as they arise, and are largely answers to questions put by the envoy himself. From time to time the duke of Newcastle—the most voluminous author of such instructions—may indulge in an historical disquisition when the nature of the problem, such as the interpretation of a past treaty, requires it. But as a rule British ministers deal only with an immediate solution of the problem raised and its probable results.

It might be imagined from this difference of procedure that the French Foreign Office had a system, and that British policy was frankly opportunist. But it is not so. Both Foreign Offices, like all such institutions, had a system, and clung to it as long as they could. The French Foreign Office, like all French politicians, loved to formulate its principles. The British Foreign Office cared only for their application to the events of the moment, and had neither the taste nor the talent for formulation. But the difference means a great deal for the reader. The French instructions are extremely clear, orderly, and easily intelligible. The English counterparts, on the other hand, are extremely obscure, because they usually require the letters of the envoy to explain them. They are extremely confused, dealing with various topics in no sort of reasoned order, and they necessarily assume a familiarity with problems which the original recipient possessed, but which cannot be postulated in a reader two centuries later. This imposes upon the editor of the British documents a very difficult task, as compared with the editors of the French *Recueil*. The latter had nothing much to explain except an occasional reference to some obsolete dispute, and this could be done by a foot-note. In other respects the task of explanation was obligingly performed by the able ministers who drew up these admirable documents. British ministers may have been at times very brilliant men, but not even Carteret or Chesterfield could write such dispatches as were penned by Lionne, or Choiseul, or Vergennes. It was reserved for the late Lord Salisbury to emulate the great Frenchmen in this domain.

It is not quite easy to see what class of reader Mr. Wickham Legg had in his mind when, having had the dispatches copied, he sat down to perform his editorial functions, i.e. to write an introduction and to add

explanatory notes. What is usually called the general reader is of course out of the question: he would not look at the book. A more obvious person to cater for is the undergraduate with an interest in European history, or preferably a young graduate beginning a serious study of international relations. Such a student would easily and eagerly grapple with one of the great treatises in the *Recueil*, with M. Albert Sorel on France and Austria, or M. Geffroy on France and Sweden, or M. Rambaud's two volumes on France and Russia. But if he had this volume placed in his hands, with no other guidance than that of Mr. Wickham Legg, he would probably be both baffled and repelled. The notes are for the most part supplementary rather than explanatory, and they do little to remove or lessen the inherent difficulties created by the nature of the documents. And the introduction is still more unsatisfactory than the scantiness of the notes. In the hands of the French editors the introduction enables them to give a luminous survey of French policy with regard to the state in question during a century and a half, and to fit that policy into its place in the general history of Europe. Such a wide sweep was not possible for Mr. Legg, who has only a brief period of six years to deal with. But he might have given some clear idea of the main problems of the period and of the motives which guided Great Britain and also France in their relations at this time. But he does nothing of the kind. A careful study of the introduction leaves the impression that it is a sort of running commentary upon the documents which follow, and that much of it might have been broken up and used as foot-notes in the appropriate pages. To speak frankly, one reader at any rate found the introduction more puzzling than the documents, and was forced to read through the documents before he could fully comprehend the introduction. If it be said that the editor had in his mind the expert historian rather than the more or less immature student, the answer is that the expert is only interested in the documents and does not require an introduction at all.

Two or three illustrations may serve to show what seems to be the obscurity in which the editor has left matters which he might have explained. On the opening page he says that Stanhope proposed 'that Britain, France, and Spain should go to the congress with a concerted plan'. But neither here nor anywhere else does he explain what the congress was meeting about, nor where it met, nor why it failed. As this is the first mention of the Congress of Cambray, and it had not met when the documents begin, a little more explicitness would not have been out of place. Again, in the introduction and in the documents there are frequent references to a certain duke of Holstein, who, in the hands of Peter the Great and Catherine I, was a very disturbing factor in northern Europe. But nowhere are we told who this duke of Holstein was, and why he should be alarming both to Sweden and to Denmark. If it be said that the student would do well to find this out for himself, the answer is that in that case he needs no editorial assistance. Lastly, Mr. Wickham Legg seems to adopt, though he does not say so explicitly, the contention that the secret treaty between Austria and Spain followed and did not, as was at one time believed, precede the treaty of Hanover. But he does not allude to the controversy, which arises from this, as to whether the League of Hanover was justified, whether it was not the result of an invented or

exaggerated scare, and whether it was not aggressive rather than, as it professed to be, merely defensive. It is an interesting fact that Newcastle, who, as the documents show, was one of the convinced makers of the league, always referred to it in later life as the great blunder of his career. Mr. Legg does, however, call attention to one notable point in the dispatches, that the British ministers were, or professed to be, at first inclined to make little of the *entente* between Spain and Austria, and rather to rejoice that the two powers had settled their differences between themselves after the failure of so many attempts to mediate between them (p. 93). It must have required more than the vapourings of Ripperdà to convert this complacency into undisguised panic.

It is difficult to criticize the conduct of an editor without some precise knowledge of his instructions, and these are not stated in the preface to either of Mr. Wickham Legg's volumes. Presumably the need of economy compelled him to give only excerpts from some dispatches and to omit others altogether. Some of the omissions are obviously justified. Nobody wishes to do more than turn over a dispatch in which a harassed secretary of state says he has no time to answer an envoy's letter and that he must wait for the next post. But the omissions go much farther than this. The instructions to Lords Polwarth and Whitworth, our plenipotentiaries at Cambray, are altogether excluded. This is explicable in 1723 when the congress was simply marking time, while the letters of expectative investiture for Don Carlos were being hammered into an acceptable shape at the courts of Vienna and Paris. But in 1724, when these letters had been adjusted, the congress begins to function, and the instructions to Cambray, together with those to Madrid, are sent under flying seal to Horatio Walpole and in his absence to Thomas Robinson. It was imperative that France and Britain, as the joint mediators, should take the same line as to the concessions which might be offered to or demanded from the two rival powers whom it was the aim of the congress to reconcile. As the Ostend Company and the Pragmatic Sanction were dragged into the discussions at Cambray, these discussions have an important bearing on the relations between Britain and France. Nowhere does Mr. Legg explain or even allude to this considerable omission.

There are also omissions in the direct correspondence with Paris which, however necessary, are no less regrettable. On 18 April 1723 Carteret addressed to Schaub a notable dispatch, in which he accepts the view of Dubois that an alliance between Russia and Charles VI was impossible, the contention subsequently adopted by Newcastle. He also refers to the desirability of checkmating the tsar by stirring up the Turks (Add. MS. 22519, fo. 51). With it went a *mémoire* giving very fully and clearly the arguments to be urged against a separate treaty between France and Russia. Schaub's letters show that he made ample use of these arguments both to Dubois and to Orleans. But both the *mémoire* and the covering dispatch find no place in this volume. Again, in May 1725, when St. Saphorin had disclosed the momentous fact that Austria and Spain had signed a treaty without any reference to the mediating powers, thus dealing both insult and mockery to their efforts at Cambray, every successive dispatch from Whitehall is of interest as showing the change from the assumed complacency, which was at first the official attitude of both

courts, to agitated alarm and a frantic demand that France should take some active measures to meet the dangers that are supposed to threaten peace both in southern and in northern Europe. But, instead of printing all these dispatches, Mr. Legg gives us only an exiguous and a mutilated selection. And even the documents in full would be incomplete, because for some weeks at this agitating period Horatio Walpole was in London and in direct personal communication with Newcastle and his brother.

The list of regrettable omissions could be indefinitely extended. There are none of the private letters which are preserved in great numbers in the Foreign State Papers. Very often more is to be learned from Newcastle when he writes unbuttoned to 'my dear Horace' and signs himself 'yours affectionately', than from the secretary of state when he begins 'dear Sir' and ends as his 'obedient humble servant'. It is invidious to press these points, as the line had to be drawn somewhere, and, once the principle of omission is admitted, no two readers would probably agree as to where the line should be drawn. Enough has been said to show that the present volume falls between two stools. It is not full enough to save the researcher from the necessity of having recourse to the originals, and, if it is designed for the student in the narrower sense, selection might be carried farther, far more explanatory annotations would be required, and probably there should be some intermixture of the queries and replies from Paris with the instructions sent thither.

At the same time it would be ungracious not to admit that the volume, though it falls short of a perhaps impossible ideal, and though, for reasons stated above, it cannot compete with the French *Recueil*, is, as it stands, a most valuable addition to our knowledge of an important and rather neglected period of European history. It will be indispensable to all students who cannot readily have recourse to the manuscript sources. And it has one great advantage over them in that the reader can mark and annotate the documents at will, which he may not do in the British Museum or the Public Record Office (though this has at times been done by Foreign Office officials). It is more agreeable to thank the editor for what he has done than to carp at what he has not done. The documents show that the Anglo-French alliance, so startling a departure from Whig traditions, was endangered by the substitution of Townshend and Walpole for Sunderland and Stanhope, and that Carteret had great difficulty in convincing Paris of his own loyalty and that of his new colleagues (p. 30). Every simple effort to placate the emperor is taken as evidence that England is about to desert France and to return to her former association with Austria (p. 39). Light is thrown upon the assurances given by Stanhope and George I as to the restoration of Gibraltar, which were adroitly made conditional upon the assent of parliament (p. 6), and upon the desire of France, which never loved that part of the Utrecht settlement, to hold England to these assurances, and to curry favour with Spain by doing so (p. 19). The Treaty of Charlottenburg with Prussia in 1723, an act of insurance against the hostility of the tsar, was not altogether relished by France, which had its own ties to the house of Wittelsbach, and disliked any pledge as to the future transfer of Jülich and Berg to a protestant prince, and was unpopular with the Dutch, who dreaded the neighbourhood of the Prussian king (pp. 48, 99). It was necessary to soften down

this pledge in order to induce France to admit Prussia as a party to the Treaty of Hanover (pp. 115 and 117), and this contributed to bring about the desertion of Prussia in the following year. In view of later events, it is interesting to find such early traces of an English desire to employ the Turks against Russia (p. 138). The danger involved in a possible marriage of a Spanish prince to an Austrian archduchess was clearly realized in 1724, some months before Ripperdà's treaty seemed to bring such a marriage to the verge of fulfilment (p. 85). Spain was among the earliest and most vehement objectors to the Ostend Company, and it was Spain which insisted upon throwing this apple of discord into the midst of the Congress of Cambray (p. 61). Bavaria is already preparing to bring forward claims to the Austrian succession (p. 119), and is relying upon the support of the other Wittelsbach princes. While Bourbon is still first minister of France, Horatio Walpole is acute enough to realize that the bishop of Fréjus is the real guider of the young king, and astutely negotiates with him behind the back of the official head of the government. These are only samples of the innumerable topics which are illuminated by these dispatches.

In the preface to the previous volume Mr. Legg proposed to give in the second volume a number of biographical and other notes. It is to be regretted that he has not carried this out. Some knowledge of the persons who carry on negotiations is desirable to give life and colour to the often dreary details of distant diplomacy. One would like to have the editor's appreciation of Sir Luke Schaub, fat, sly, vain, self-satisfied, and over-trustful in the conviction that his patron, Carteret, can never lose his hold over the English king. Then there is, in contrast, Horatio Walpole, blunt, honest, opinionative, with some of his brother's astuteness and knowledge of human nature, and some of his power to get his own way. With him was associated the young Thomas Robinson, destined to be a prominent figure in European diplomacy, now on the threshold of his career, exulting in his appointment as secretary of the Paris embassy, eager to curry favour by compiling spicy chronicles of the scandals of the French court for the delectation of Newcastle and the Foreign Office clerks, and already displaying some of that verbosity that called down upon his memory the indignation of Carlyle. And in the background in London are two notable figures, the inscrutable Carteret, and the young duke of Newcastle, already industrious, but displaying a modesty rather surprising to those who are only familiar with the fussy and self-confident dictator of our foreign policy in later years.

In editing the documents Mr. Legg admits that he has modernized the punctuation and omitted what are now unmeaning capitals. But why should he have retained the often-preposterous accents in the French dispatches? It must have been annoying to the Foreign Office staff to have a British envoy who wrote his dispatches in French, and had to be written to in that language. Even in those comparatively polyglot days, it must have been a relief when Schaub was superseded by Horatio Walpole, who admitted that French was not his strong point. Finally, the editor has given us one great boon in an index which, if not perfect, approaches as near to perfection as indexes ever do.

RICHARD LODGE.

Dupleix et l'Inde Française. Par ALFRED MARTINEAU. Vol. ii, 1742-9 (Paris : Leroux, 1923). Vol. iii, 1749-54 (Paris : Société d'éditions géographiques, maritimes et coloniales, 1927).

THE second and third volumes of M. Martineau's careful and exhaustive study of Dupleix are based upon a thorough investigation of all available records, many of them hitherto unpublished, among which the most important are perhaps the letters found among the papers of M. de Valori, the son-in-law of the great governor-general, deposited during the revolution in the archives of the department Seine-et-Oise.

In reviewing the first volume¹ we pointed out that M. Martineau's work corroborated to an extraordinary extent the conclusions of M. Prosper Cultru's brilliant sketch (*Dupleix, ses plans politiques, sa disgrâce*), published in 1901, which first portrayed the lineaments of the authentic Dupleix. 'How far', we wrote, 'when he comes to deal with the period after 1741, his researches will lead him to accept or challenge that estimate, the subsequent volumes will show.' We can now declare that, down at least to 1754, the more detailed and fully documented work of M. Martineau testifies over and over again to the truth of M. Cultru's conclusions. It is clearly shown that the failure of Dupleix was not due, as was once supposed, solely or at all to want of support from home, but to his own miscalculations, the miscalculations of course of a very able mind, the inherent impossibility of the task he had set himself, the sturdy opposition of Governor Saunders in the realm of politics, and the magnificent achievements of Lawrence and Clive on the battlefield. The whole career of Dupleix was a brilliant gamble, with inadequate resources to depend upon, and second-rate colleagues to help him. He took great risks, and as long as success came to him, he was able to discharge the obligations contracted in the early stages of his enterprises by the fruits of his victories. But when a steady stream of checks and disasters set in, the game was up. He claimed that he had lavished his own fortune and revenues in his campaigns, but the Company pointed out that he had only acquired these resources by a questionable use of his position as their servant. 'Dupleix', they wrote, 'ayant entrepris la guerre sans son assentiment et l'ayant poursuivie malgré ses ordres, l'avait faite à ses risques et périls ; s'il y avait engagé des fonds, tant pis pour lui, ses pouvoirs ne lui permettaient pas d'avoir des revenus territoriaux indépendants de ceux de la compagnie.' The war in the Carnatic was, as M. Martineau says, *sui generis*. Dupleix's private interests were so intermingled with those of the Company that in going to war against their advice he 'poursuivit avant tout le recouvrement d'une créance personnelle de plus en plus compromise.' As time went on, the quest for funds grew more and more desperate : 'C'est le *leit-motiv* de toutes ses lettres aux commandants de ses troupes. Jamais débiteur poursuivi par ses créanciers ne se trouva dans des situations aussi angoissantes.' M. Martineau fully supports M. Cultru's contention that Dupleix did not for a very long time see the trend of the political path, on which he had embarked with the sanguine steps and adroit improvisations of the typical opportunist. It was not till 1753, too late for the authorities at home to take account of it, that he submitted with

¹ *Ante*, xxxvi. 134-6.

retrospective enlightenment a reasoned statement of his aims and political theories. By that time the cards of destiny had already been dealt and the game was lost.

There is abundant evidence in these pages of the real greatness of Dupleix, of his high courage, of his amazing tenacity, of his indomitable will, of the endless fertility of his imaginative brooding mind, and finally of the real and ardent patriotism which caused him always to subject his own interests, though he was fully conscious of them, to those of his country. But M. Martineau does not disguise the faults which his character was great enough to bear without serious disparagement. Dupleix was too much attracted by the magic of oriental pomp; he was apt to fret and distract his generals by constant and meticulous instructions; in diplomacy he lacked suppleness and versatility, he neglected the art of conciliating sympathy and admitted himself that he possessed the defect of being 'trop bon Français'. M. Martineau agrees with those who hold that Dupleix in particular expected too much of Law and that the latter's surrender of Trichinopoly was due partly to inferiority of force in relation to the enemy, partly to the fact that Dupleix was obstinately holding him to an impossible task. He shows that Dupleix was forced to recognize this at the time and to abandon the charges of incapacity he had formulated, but that seven years later he disingenuously revived them, possibly because he hoped that Law would never return from India to meet them.

In Bengal, prior to 1741, the relations of Dupleix with the English had been remarkably friendly, but in later years he formed a very severe judgement of their policy and character. Bad faith, he declared, lying, and false pretexts form the base of their conduct in India. The long struggle had embittered him and made him unfair, and he seems never to have forgiven us for refusing his offer of neutrality in 1744 and for the 'bad peace' of Aix-la-Chapelle. The same cannot be said of his biographer, who displays a generosity and an impartiality in his references to the British which are almost superhuman. He recognizes that in opposing relentlessly the designs of Dupleix the British were following a course which was at once legitimate and far-seeing. He cannot understand the sanguine blindness with which Dupleix pressed upon the British his legitimist theories in regard to the thrones of the Deccan and the Carnatic, or his anger when they refused to accept them. He renders Saunders high praise for his patient, stubborn, unperturbed resistance to the brilliant assaults of Dupleix, praise which the former's countrymen have not always accorded him. Saunders, he says truly and with insight: '*était doué de cette insensibilité spéciale qui, devant l'œuvre des années, donne à certains hommes politiques la force nécessaire pour opposer un front serein à toutes les mauvaises fortunes et à tous les inconvénients de l'amour-propre.*'

In one point only is the third volume disappointing. Very little is said about Godeheu's settlement and his treaty with the British on the fall of Dupleix. Possibly M. Martineau considers this to lie outside his purpose, or he may deal with it in the next volume, which is to be concerned partly with the exploits of Bussy in the Deccan; and indeed, a discussion of the topic might more naturally be introduced then. Godeheu's name has been covered with obloquy by the partisans of Dupleix, and even M. Cultru seemed to relapse back into this view. The present reviewer has always

held that Godeheu could hardly have done otherwise than he did, that his task was merely the thankless one of saving what he could from the general wreck, and that the arrival of preponderating forces in India on the British side obliged him to agree to a peace which the British themselves thought unduly favourable to their enemies. There are indications that M. Martineau himself holds some such view, and it is doubtless implied in his conclusion on the whole matter: 'L'aveuglement ou l'obstination de Duplex fut la principale cause de sa chute.' This fact renders it unnecessary to postulate any malevolence on the part of Godeheu. P. E. ROBERTS.

The Struggle for the Falkland Islands, a Study in Legal and Diplomatic History. By JULIUS GOEBEL, jun., LL.B., Ph.D. (New Haven: Yale University Press, 1927.)

THIS book begins with an account of the discovery of the Falkland Islands, and continues with an elaborate discussion of the international law of Europe up to and including the eighteenth century so far as it bears on the claims of Spain and her competitors to the islands. Mr. Goebel's review is very favourable to the Spanish claim, which he regards as buttressed by the treaties. He gives a full account of the events leading up to the diplomatic crisis of 1770, the occupation by Bougainville and Byron's subsequent settlement, &c. The crisis itself is dealt with very fully and a detailed history based on the French and Spanish dispatches is given. The English materials are scanty, hardly any records having been kept. The history is completed by bringing it down to Palmerston's final assertion of Great Britain's right in 1834. Palmerston *inter alia* denied the existence of any secret understanding in 1770, on which Mr. Goebel remarks that he could of course do so with a clear conscience as Shelburne's policy had been to leave no embarrassing papers in the archives. There are plenty of references to an understanding in the Spanish dispatches quoted by Mr. Goebel. It is, however, not at all clear that we possess the whole truth, for ambassadors reporting their conversations to their own governments are apt to represent the foreign minister as reduced to silence by their eloquent arguments or reluctantly making concessions to their remorseless logic. The story told by the other side generally looks different. The arguments are, if worth considering, refuted, or if not, are brushed aside, and nothing of any value is given away. The exact scope of North's promise must, then, remain uncertain. He was anxious to avoid war and no doubt promised to withdraw the garrison, which he subsequently did in 1774, assigning economy as the motive and proclaiming the king's ownership of the islands. He may have gone farther in conversation and made admissions as to the strength of the Spanish claim. Masserano, however, Mr. Goebel tells us, believed that the abandonment promised was to be an abandonment in law as well as in fact. Now Masserano was an able diplomatist, and by taking up this position he maintained the claims of his own government and carried the war into the enemy's country. But it is very hard to believe that he or any one else at the time really thought that the question of law was being settled. The declaration of 18 January 1771, as Camden pointed out, in an opinion of which Mr. Goebel speaks somewhat slightly but which seems to be good law and sound

sense, certainly by itself did nothing to settle it. The opposition clung tenaciously to the British claim and might easily form the next government. By what conceivable means could an incoming ministry be bound by the unattested intentions of their predecessors? A sentence added to the declaration might have settled the question of law, but it was not added, and the strong presumption is, that whatever the precise promise given by North was, it was by its very nature binding only on himself and his colleagues, and no binding pledge to abandon British claims was in fact given because in the existing circumstances it could not be given.

Mr. Goebel considers very fully the principles of Roman law, and (since such a case never occurred or could occur in Roman law) the varying explanations or extensions of them made by modern jurists, and concludes that they support the Spanish claim, pointing out that the English had an imperfect understanding of them. But purely technical considerations, however learnedly and ably argued, are not very convincing in a case of this kind, which was not really an episode by itself. The plain fact is that the treaties had been consistently violated not only by the English but by the Dutch and the French, and when, for instance, the English in 1706 were aiming at restoring the *status quo* as at the death of Charles II, they were probably thinking not of the legal *status quo* of the treaties of 1667 or 1670 but of an actual position in 1700 under which they had enjoyed certain advantages. Be this how it may, the Spanish claim to exclude other peoples from half the world was inherently weak if actual occupation, as Mr. Goebel insists, is the rule. It was not merely the English who thought, as Shelburne said in 1766, that the Spanish claims were vague pretensions long since worn out, but Spain's own allies the French at that time, that is, when the Family Compact was in full force, actually seized the Falklands, and had to be bought off. While Spain was protesting against the iniquity of violating her treaty rights she was as a matter of fact patiently plotting with Choiseul to make war on England. The Falkland Islands were of course pawns in a larger game. H. LAMBERT.

History of European Liberalism. By Professor GUIDO DE RUGGIERO.
Translated by R. G. COLLINGWOOD. (London: Milford, 1927.)

THIS is a most interesting essay in the interpretation of the political history of the last two centuries. Professor de Ruggiero is careful to avoid any identification of liberalism with the programme of a political party, and to distinguish between the liberal and the democratic and socialist views of the state. The detachment from party is necessary because no party can be expected to recognize in the victory of its opponents the triumph of its cause; yet precisely within the sphere of alternating historical events, of destruction and reconstruction, is built up the liberal state. The distinction between the liberal and the democratic and socialist states lies in the repudiation by liberalism of a thorough-going historical materialism; such a materialism would submerge the individual in his environment, and, in consequence, set too much value upon the efficacy of action from without. Still less can liberalism accept the paradox of a revolution which is to be the end of a period of secular development.

Sig. de Ruggiero's earlier chapters contain a close analysis of the

different historical conditions under which the elements of the liberal synthesis took their form. He shows the growth of a new conception of sovereignty and of the state from the implications of the negative and polemical eighteenth-century doctrine of natural rights, and, in particular, from the development which the thinkers of the revolutionary period gave to the idea of private property. Unfortunately, the classes in town and country most affected by liberal ideas and influences were unable to produce a governing class. Neither the small proprietors of the Continent nor the great landlords of England could meet the problems of the industrial revolution: on the other hand, the new industrial classes for a time sent men like Peel, Casimir P  rier, and Gladstone into politics; but their best men became absorbed in business (an interesting parallel might be drawn between Europe of the early part of last century and the new countries of the world at the end of the century). Furthermore, the very 'anti-state' complexion of liberalism weakened its capacity to govern, while in some countries, notably in Prussia, the liberals were unable to develop a personality strong enough to make headway against the traditions of court and army.

In England Sig. de Ruggiero finds the weakness of Benthamism in its failure to attract a new generation; he explains the apparent paradox of Ricardo's pessimism in an optimistic and radical environment by showing how Ricardo reversed the old physiocrat view that industry was sterile and land alone productive. The main argument is sound, though it is not illustrated from the most recent conclusions of English scholarship.

There follows an account of French liberalism. Here Sig. de Ruggiero points out that the revolutionary spirit survived among the 'ultras' more than among the liberals between 1815 and 1848; but, instead of noticing the differences between the members of the small group of doctrinaires, he analyses the views of St. Simon, Fourier, and de Tocqueville, though de Tocqueville's views alone are fully relevant to the argument.

The analysis of German liberalism begins with an excellent historical summary: a clear account is given of the transition from the early individualism of the romantics (though the purely literary element is not sufficiently recognized) through a conservative nationalism to the whole-hearted acceptance of Prussia. Sig. de Ruggiero explains why the revival of medievalism could have no future among the high conservatives, since their belief in a paternal absolutism could not be combined with any real sympathy with the political institutions of medieval Germany. This correlation of ideas and historical fact is followed by an account of Hegel, and of the German development of the juridical conception of the state. The author is himself very much interested in the Hegelian and juristic schools: perhaps for this reason he is less clear than when he is treating ideas which he can summarize with greater ruthlessness.

In the chapters and bibliographies on liberalism north of the Alps there are some minor inaccuracies of fact which in no way affect the general value of the arguments; but Professor Ruggiero is completely master of historical detail when he turns to the study of his own country. He shows that Italian liberalism is derivative and eclectic; that, in short, the writers of the Risorgimento are more interesting than their books. Nor were the Italian exiles in a position to understand the needs of their own countrymen; Mazzini, for example, was concerned with problems which were

more English and French than Italian. Cavour alone was fully trained in the liberal economic theory and practice of his time. The analysis of Italian liberalism is excellent up to the rise of the Left to power ; the last forty and more years of Italian history are only touched upon in a few pages.

Sig. de Ruggiero's language is at times most technical, and never easy to render into English ; but the smoothness of the English version makes pleasant reading.

E. L. WOODWARD.

Roosevelt and the Caribbean. By HOWARD C. HILL. (Chicago : University of Chicago Press, 1927.)

THIS book is a careful piece of work which shows that the author has already formed the good habit of scrutinizing closely the evidence of his authorities even when they speak from first-hand knowledge. In the pages which he devotes to the Spanish-American war he calls attention to some material inaccuracies in the narratives of John D. Long (who, as secretary of the navy, was then Roosevelt's superior), and of Admiral Dewey (who commanded the Asiatic squadron).¹ In his chapter on the Venezuelan crisis of 1902 he challenges the accuracy of the account which Roosevelt gives of his own conduct in a letter addressed to W. R. Thayer (dated 21 August 1916). Roosevelt alleges that he threatened to send Admiral Dewey with the battle fleet to the Venezuelan coast, unless the German government accepted arbitration within a given number of days ; that, finding no notice was taken of this ultimatum, he repeated it to the German ambassador a second time with a shortened time limit ; and that the German government accepted arbitration less than twenty-four hours before the time appointed for cabling orders to Dewey. Dr. Hill finds nothing to corroborate this story in the papers of John Hay or in Roosevelt's official diary, or in the available official records. He does find, on the other hand, that Germany accepted arbitration on 17 December 1902 (at the suggestion of Great Britain), before the arrival of the American dispatch which expressed a hope that Great Britain and Germany would take this course. Dr. Hill remarks that not one of Roosevelt's three versions of his story tallies chronologically with the official records. There is good evidence that Roosevelt at the time regarded Germany as the real danger, and Great Britain as Germany's cat's-paw ; probably he did so for the reason that Germany, at an early stage of the dispute with Venezuela, and while acting in isolation, had hinted her intention to make a ' temporary occupation ' of Venezuelan territory (p. 111). But it seems unquestionable that Roosevelt did not, in December 1902, deliver any ultimatum to the German ambassador. It is, on the other hand, quite likely that he did something of the kind in January 1903, after the principle of arbitration had been accepted ; for we know that the German bombardment of a Venezuelan fort at Maracaybo in that month caused intense irritation in the United States (p. 143). The British documents show that this episode came as a shock to the British government, and caused a suspension of their active concert with the German government.² These documents were not available when Dr. Hill wrote his book. They do not support the German

¹ pp. 19 n. 2, 24 n. 2, 25 n. 1.

² Gooch and Temperley, *British Documents on the Origins of the War*, ii, Nos. 186-9.

contention that Great Britain made the first overture for common action. So far as they go—it would be dangerous to press too strongly the argument *ex silentio*—they suggest that the first advance came from Count Metternich to Lord Lansdowne on 23 July 1902, and received no definite response until 22 October, when the latter suggested that Great Britain and Germany should present simultaneous remonstrances to Venezuela.¹ We find Lord Lansdowne specifically denying that he had ever thought it desirable to seize Venezuelan customs-houses.² Lord Lansdowne also appears to have been adverse from the beginning to the German plan of a ‘pacific blockade’, which Dr. Hill imagines him to have favoured until it was known that the United States would object (Hill, p. 119). H. W. C. DAVIS.

The Dictionary of National Biography, 1912–1921. Edited by H. W. C. Davis and J. R. H. Weaver. (London : Milford, 1927.)

PREFACED by a memoir of Sir Sidney Lee and a short account of the ‘D.N.B.’ by Sir Charles Firth, this volume carries on what everybody hopes will be an unending series of supplements to the great dictionary. The work has been admirably done by the 273 contributors who have shared in its accomplishment. The editors have achieved the hard task of selecting the subjects of biography so successfully that no omissions readily occur to the mind. The spaces allotted to the lives are generally well proportioned. The only criticisms under this head which can be suggested are that there seems to be no good reason first, why, almost alone among the many writers commemorated, Alfred Austin should be favoured with a complete bibliography ; and secondly, why, in the case of Kitchener and a few other celebrities, the list of authorities at the close of the articles should be extremely short.

Many of the lives are written with more intimacy and freedom than the bulk of those included in earlier volumes. The result is that they are more attractive as literature and often far more vivid as portraits. The appreciations of eminent lawyers—Alverstone, Evans, Halsbury, Parker, Lindley—are more than records of careers : they are studies of men. The infusion of a personal element gives distinction to what would otherwise be frequently a merely magnified replica of an entry in *Who’s Who*. The contrast between the two types of biography is aptly illustrated by comparing the sketches of two distinguished Oxford teachers, Warde Fowler and Owen Morgan Edwards, the former a true likeness, the latter quite colourless. Most of the judgements expressed by the contributors seem just. The wise tradition of restraint in eulogy is generally maintained. There is one exception. The biographer of Roger Casement is allowed to describe him as ‘honourable and chivalrous as well as able far beyond the ordinary measure of men’.

Viewed as history, the book under review contains a mass of clearly written and authoritative information. Its survey of the wide pageant of English life is impressive. Indeed, we wonder whether any other state could claim types so varied and yet so genuinely representative of considerable sections of its people, as General Booth, Botha, Sir Ernest Cassel, Chamberlain, Fisher, W. G. Grace, Keir Hardie, Mark Sykes, Viscount Rhondda, Mrs. Humphry Ward, and Lord Wolseley. Some of the lives

¹ *Op. cit.* Nos. 171, 173.

² *Op. cit.* No. 174.

afford useful foot-notes to the story of the great war, but, curiously enough, they are little more than foot-notes. Apart from General Maude, no soldier or sailor who won any conspicuous success as a leader in the field or at sea finds his niche here. It is significant that the war heroes whose deeds enrich these pages are mostly young men who perished in action, famous airmen who won the Victoria Cross like Ball, McCudden, Robinson, Warneford; and a few others whose early promise as men of letters appealed specially to the editors. There are short and temperate accounts of those shining figures, Nurse Cavell and Captain Fryatt; but the total number of war biographies is very small in proportion to the nation's actual loss of men. The Unknown Soldier needs no 'life'.

The three names of outstanding historic importance enshrined in this volume are those of Chamberlain, Roberts, and Kitchener. The late Professor Egerton's study of Chamberlain is dispassionate and fair. There are, however, some aspects of his work which are entitled to more recognition than can be found here. He was the first English politician of the first rank to come into the house of commons with a thorough knowledge of municipal affairs; the first, also, to combine supreme capacity as a parliamentarian with the ideas, experience, and limitations of the practical man of business. Of all the eminent Victorians, he alone would feel quite at home in the commons of to-day, and largely by reason of the two facts just stated. Professor Egerton's knowledge of colonial history was so wide and his interest in it so deep that it is natural to find more stress laid on Chamberlain's position as an imperialist. He was right in emphasizing that the tariff reform movement had its origins in a disinterested ardour for imperial unity. It was founded on a notion of self-sacrifice in furtherance of what were ultimately common interests. The later drift of the movement towards a policy of pure protection represents an inevitable tendency in any industrial democracy, and it is derived from the same political campaign; but it is less characteristic of Chamberlain's own doctrines. Something might have been said about his influence on young men: it left a mark on history. Certain passages in Emil Ludwig's *Kaiser Wilhelm II* may incline the reader to modify Professor Egerton's disparagement of Chamberlain's excursions into foreign policy.

Sir Frederick Maurice writes the lives of Roberts and Kitchener. Less than justice is done to Roberts's crusade in favour of national military service. Roberts, no doubt, was no deep thinker; he was not, we are told, a great army administrator. On the other hand, the more we know of the period 1906 to 1914, the more we wonder at his unique foresight. It was not absolutely accurate. He over-estimated the chances of invasion, and he under-estimated the scale to which British intervention in continental warfare was destined to attain. Yet, with these exceptions, his speeches and writings stand out in lonely greatness above the wilderness of bad rhetoric and blundering politics through which our people were then passing. He had no use for shams. He riddled with simple but convincing argument the sophistry that one volunteer is worth two pressed men; the comfortable theory that a small minority ought to bear the whole burden of Britain's preparations for self-defence; the dream that by whit-tling down our army and navy we should convert Europe to a wealthy and easy-going empire's belief in the blessings of peace. Sir Frederick Maurice

does not realize the magic of this power of divination in an age of clichés. His criticism 'that the drastic change which he advocated in the constitution of the military system would injure for many years the efficiency of the voluntary regular army' is surely ill founded.

The appreciation of Kitchener does not allude to the view which is often held that the clearness of vision and faculty of decision which distinguished his career in Africa were dulled during his last years. It is indeed non-committal in its judgements, except so far as it emphasizes his immediate understanding in 1914 of the magnitude of the country's task. If the article wants anything, it is probably the personal touch. Kitchener's hold on popular imagination was due largely to his presence and personality. Sir Frederick Maurice knew him well; and some of his own impressions of Kitchener's appearance, character, and methods would have added to the value of the sketch and made it perhaps easier for posterity to understand the singular magnetism of his name and the wide range of his influence.

GERALD B. HURST.

Tsêng Kuo-fan and the Taiping Rebellion. By Dr. W. J. HAIL, Dean and Professor of History, College of Yali, Changsha, China. (New Haven: Yale University Press, 1927.)

WE have here a much-needed and well-executed account of what, to the occidental student, is a mere foot-note to the history of the world, but in the history of China fills an important chapter; and yet for the West the Taiping rebellion has a direct interest. A rebellion whose armies, at one time or another, completely dominated half the provinces of the empire and devastated in whole or in part all the eighteen provinces (China Proper) except two or three; which, in the judgement of a serious contemporary historian, was directly responsible for the death of twenty millions of persons by the sword, by famine, and by the diseases of war; which came near to bringing about the downfall of the reigning dynasty; whose professions of faith presented a peculiar attraction to the two Protestant nations which then engrossed the trade of China; and whose course was instrumental in laying the foundations of the commercial prosperity of the great port of Shanghai; this rebellion is deserving of the close attention of the occidental student of religions, of politics, of economics, of population, and of war. The material for this study has now been well supplied by this book. After a preliminary chapter on the government of the Manchu dynasty as at 1850, Dr. Hail gives us about a hundred pages on the organization and religion of the Taipings, which will receive the attention deserved by so careful an analysis. Then follow about 150 pages of narrative of the fluctuations of the military measures adopted by the rebels and the imperialists respectively, the study of which will require much effort by readers to whom Chinese names of persons and places are mere fortuitous collocations of letters of the alphabet.

This rebellion was suppressed by the energy and strategy and stout-hearted persistence of five men, three Chinese (Tseng Kuofan, Li Hung-chang, and Tso Tsungtang) and two Westerners (F. T. Ward and Charles Gordon). Dr. Hail will not have it so: he dethrones the other four, and awards the laurels to Tseng alone.

Chinese modern history awards this man [Tseng Kuofan] the honour that is his due, but foreign observers were so dazzled by the fame of the valuable little force of foreign-trained soldiers organized by Frederick Townsend Ward and eventually led by 'Chinese' Gordon, that they have immortalized the 'Ever-Victorious Army' of three thousand men, almost canonized Gordon, and relegated the real hero of the Taiping rebellion to oblivion.

This extract, taken from the author's introduction, shows a feeling which pervades the whole book, and which tends to detract from the cold austerity and detachment that should be the distinguishing mark of the historian. Dr. Hail is more concerned to bring his eponymous hero into the limelight than to give their proper value to the doings of other actors on the scene; and yet the book is a good book, it supplies a need, and supplies it well.

A few, very few, criticisms may be made. Dr. Hail learned his Chinese (language and ethnology) in Hunan. The men of this province call it Fulan, and Dr. Hail gives the name Tseng Kuofah to that brother of Kuofan who along the whole length of the Yangtze and throughout North China is called Kuohwa. This is of small importance; what is more important is that he seems to ascribe to the whole of China the degree of village autonomy which was more marked in Hunan than elsewhere; that province never allowed the empire to forget that to her and her sons, the Fulan Yung, it owed its redemption from the ravages of the Great Rebellion. Then Dr. Hail attaches greater value to Chinese statements of number or quantity than other statisticians are disposed to do, and gravely disputes (p. 119) whether a Taiping army corps consisted of 13,125 or 13,270 men; and he accepts Lindley's 'commission from the Chungwang' (p. 125) as giving him the 'right to rank as a first-hand source', whereas his commission was merely a *laissez-passer* through the Taiping posts for the rice, salt, oil, and other food supplies which Lindley was to buy in Shanghai and Ningpo and smuggle through the lines. Then as to the rivalry between Tseng Kuofan and Li Hungchang, Dr. Hail states (p. 222) that the latter was appointed governor of Kiangsu in August 1860, even correcting Li Ungbing, who puts it 'after the fall of Anking'; the appointment was made in July 1862, consequential on the defeat of Hsieh, who was governor up till then. The abandonment of foreign neutrality between the government and the rebels was not in any way due to 'the Russian offer to aid China', and only partially to 'the commercial motive' (p. 228); it was made possible by the empress dowager's *coup d'état* of November 1861, and the change in the policy of the Peking court evidenced by the change of reign-title from Kisiang to Tungchih, implying a change from hostility to friendliness towards foreign powers. The British and French authorities accepted this olive branch and undertook to clear the thirty-mile zone around Shanghai. The neutrality had been loose for some time before this, and on 21 August 1860, the day on which the allied British and French troops were advancing to the assault of the Taku forts, other British and French troops were defending the city of Shanghai from an attack by the Taiping army. In the extract quoted above Dr. Hail refers to the Ever-Victorious Army as a force of three thousand men. After his earlier victories, in the spring of 1862, Ward was authorized to increase the force to 6,000 men; under this authority he recruited six battalions (1,000 each) of infantry, and one battalion of riflemen (600), besides his artillery (700) and his bodyguard (200) who were always in the forefront of the

battle. In May 1863 Gordon took to Kunshan 3,900 infantry, besides his artillery and bodyguard, besides garrisoning his depot, Sungkiang, against any surprise, and besides his recruiting depots. In addition both Ward and Gordon had (what Chinese commanders never had) both discipline and artillery, and they both saw that their force received its pay in full (which the Chinese commanders never did). Moreover, they had foreign officers, of whom 48 were killed in action, 73 were seriously wounded, and 130 were mustered out when the force was disbanded at the end of May 1864.

Tseng Kuofan was less acquisitive than the generality of Chinese officials and commanders; but in his inaction, when viceroy of Chihli, at the crisis of the 'Tientsin massacre' he showed that he had less administrative capacity than Li Hungchang, his former subordinate, then his rival, and his successor in the viceroyalty. Of the two Li was much the more able, and much the more acquisitive.

The book has a most satisfactory bibliography and an adequate index.

H. B. MORSE.

The Fellāhīn of Upper Egypt. By WINIFRED S. BLACKMAN. (London: Harrap, 1927.)

IF any systematic investigation of the manners and customs of the Egyptian people has been carried out little has been published since the appearance of that classic work, Lane's *Manners and Customs of the Modern Egyptians*, some fifty-five years ago. The attractions of Egyptian archaeology seem to have entirely overshadowed interest in the living people.

We at last, however, have a work written by a trained lady anthropologist of no mean merit and furnished with a foreword by Dr. Marett, written in his usual incisive style. As he pertinently observes: 'If the soul of the people is to be revealed they must be overheard as, all unconscious of the presence of the stranger, they fuss and chatter about the affairs of the hour—about the prices of the market and the state of the crops, about yesterday's funeral and to-morrow's wedding, about the donkey's sore back and the sore eyes of the baby.' In fact, the aim of the investigator is to be accepted, for the time being, as one of the elements of village society. The difficulty is, of course, to find some plausible pretext by which it can be achieved. Miss Blackman, having equipped herself with a knowledge of Arabic, apparently reached this goal, possibly by means of her reputation as a 'hakim', i.e. as one who could alleviate many of the ailments which the insanitary life of the peasants invites.

The ethnic elements which go to make up the *fellāhīn* of Egypt are diverse: the relationship of the early inhabitants of the Nile valley to the people of the recognized periods of European prehistory is as yet by no means clear, but in later ages invasions of various races from the Mesopotamian region and from Arabia have flowed in. These human elements have all left their imprint and the result is a composite mass who, although varying in physical appearance, have culturally settled down into a community of extraordinary homogeneity.

The survival of beliefs brought in by the earlier cultures is a study of great scientific interest, for apart from the light which it may throw on the development of religious beliefs it is of value with regard to the history

of racial migration. If interrogated, an Egyptian *fellah* would probably deny that he was other than a devout Mohammedan : he would not realize that many of his customs and beliefs dated back to the days of Pharaonic Egypt, even as far back as 3000 B.C. It is probable that in no part of the world, not even in China, do we find ancient beliefs persisting with so much vitality. It is this fact that makes modern Egypt such a fruitful field for a trained observer.

Several important subjects such as land tenure, village government, &c., have not been dealt with in this book, but possibly the ancient procedure governing these matters has been obliterated by the impress of the Mohammedan régime, which reached Egypt wellnigh a thousand years ago. Miss Blackman, however, hints at a fuller exposition of her results, and this will be awaited with interest.

The last chapter of the present work deals with 'Ancient Egyptian analogies', and the small degree of change in mode of life, arts, and crafts is indeed a remarkable phenomenon. It will be interesting to review the condition of these people say fifty years hence and see to what degree the impact of western civilization and what may be called 'the era of the motor-car', has affected their mode of life.

The survival, too, of many of the ancient spiritual beliefs is perhaps an even more remarkable fact: the way they live on alongside Islam and fit into its structure without any disharmony is a feature of great interest. The beliefs in *afarit* and *jinn* are of course of Semitic origin and from Arabia, but pre-Mohammedan in date, as was so ably shown by Robertson Smith; other beliefs again probably evolved in the Nile valley itself in Pharaonic times.

It is a matter of some importance to trace the travels of customs and beliefs, which had their stronghold if not their birthplace in Egypt, up the Nile valley and so on into the tribes now living in west Abyssinia and southwards into Kenya Colony. There is more than a suspicion that distinct evidence of culture migration far to the south exists, but there are many gaps in the record and much work remains to be done. Miss Blackman's careful study should prove of great value to workers in Equatorial Africa as a record of many things, vestiges of which will be found among people now speaking a Bantu tongue.

C. W. HOBLEY.

The Manors and Advowson of Great Rollright. By R. W. JEFFERY. (Oxford: Oxfordshire Record Society, 1927.)

It is a happy combination when a college tutor turns to his college's muniments; and Mr. Jeffery has been fortunate in his discoveries at Brasenose. A derelict Benedictine priory, whose last and sole occupant had been a prior who died under Henry VII, was regarded as an escheat by that king and sold for the benefit of his treasury. This was an interesting anticipation of the proceedings of Henry VIII, and we wish that Mr. Jeffery had been able to cite the words in which Henry VII claimed to give a good title to lands which for four hundred years had been held in mortmain. After the property of this priory, Cold Norton in Oxfordshire, had passed through one or two hands, it was bought in 1513 by Bishop Smith of Lincoln, the founder of Brasenose, as part of the endowment of his college. The most valuable part of this property was one of the two manors into

which the neighbouring parish of Great Rollright had come to be divided. The two Rollrights are quite distinct in history, but there must have been an ancient separation, of which Mr. Jeffery has found no trace, when Little Rollright, with its famous stones, became an independent organism.

Unhappily the documentary history of Great Rollright does not go beyond Domesday, but the economic structure of the parish as one community, with one complex of fields and strips governing its agriculture down to its enclosure in 1775, shows that the Domesday manors have been artificially imposed upon it. Offences against routine were punished in separate courts for the benefit of separate lords; but in fact they were offences against the whole community. There must have been some ultimate authority, however informal, the decisions of which, when any variation in husbandry became necessary, were effective throughout. Unfortunately, so far as the evidence goes, the courts of the two lordships which ultimately covered the parish went each its own way, and there is no sign of consultation or agreement between them. Though in Domesday there are three lords, one of the three soon disappears. There remain the Stafford and Despenser manors, the latter held by a junior branch. The Stafford lands were given about 1150 by a Stafford founder to Cold Norton; the Despenser estate, to which the advowson was attached, has always been in lay hands. The advowson had come to be separate from the estate, and in 1613 was purchased by Brasenose. In regard to the benefice the evidence is imperfect: Mr. Jeffery has found no terrier. When the enclosure act came into force in 1775 the glebe was 'reputed one yard-land'. This is strange; and Mr. Jeffery points out that there was other glebe beside the reputed yard-land. There is, in fact, proof that there were the usual two belonging to the rector. In 1766 it is recorded that he had five cow commons, and in 1727 it had been decided that two should be the stint for each yard-land. It is not unknown elsewhere that the pasture rights of two and a half yard-lands were annexed to the rectorial two, and this would explain the five cows at Rollright. The sheep commons are of the handsome number of 132, which reminds us that we are on Cotswold ground. It would be interesting to know whether hand-loom were worked here, as in other Cotswold villages, and financed by the merchants of the little towns.

Perhaps the most curious problem is that raised by the Domesday valuation. The two chief estates, the dimensions of which are obviously artificial, were of exactly the same value: 100 shillings. On the Stafford holding six ploughs were at work; on the Despenser, four and a half. The value is equalized by 'three pack-horse loads of salt at Wich'. The distance from Droitwich is only some twenty-five miles, and this modest amount of salt, carried for that distance, cannot have been equivalent in value to the renders and services from a considerable acreage. There was probably a brine-pit at Droitwich from which enough salt was boiled to keep the three horses at work on the roads throughout the year. There is no later notice of this connexion between Rollright and the salt-trade. This admirable book leaves little to be desired except an adequate map and some more precise information, for instance as to the acreage of the parish. Perhaps Mr. Jeffery may some day reconstruct the history of Cold Norton priory from the muniments of his college. It would be a valuable addition to knowledge.

E. W. WATSON.

G g 2

Short Notices

THE retirement of Mr. C. J. Longman from the board of directors of Messrs. Longmans, Green & Co. removes from active connexion with this Review one of its founders, for he has supervised its publication ever since the first number in January 1886. All who have been associated with the production of the Review have had reason to be grateful for the unfailing support of the head of the great publishing house from which it issues. We are happily reminded that the firm of Longmans' services to learning go back to the beginnings of the house by an interesting little brochure by Mr. Longman himself, *A Letter of Dr. Johnson and some eighteenth-century imprints of the house of Longman* (Printed for private circulation, 1928). The letter, which (now in the Huntington collection) is beautifully reproduced in facsimile, is an invitation to the group of booksellers who were to publish the Dictionary to breakfast on the occasion of signing the contract. It is addressed to Thomas Longman, the founder of the firm. He died in 1755 just after the publication of the Dictionary.

Ed. E. H. R.

Dr. E. L. Highbarger's monograph, *The History and Civilization of Ancient Megara* (Baltimore: Johns Hopkins Press, 1927), is a work of wide reading and industrious compilation, but, to speak frankly, it is neither very entertaining nor very useful. A third part of it, perhaps, could—with suitable rehandling and correction—find a useful place in an encyclopaedia article on Megara; the rest belongs to the main body of Greek history and archaeology, and gives nothing which cannot be better found elsewhere. There are many inaccuracies, small and great. *Nīsa* for *Nūsa* on p. 88 is a mere misprint, no doubt; but Pamphyles (p. 99) has an uglier look. There is no ancient Greek word *παῖνοι*, meaning 'cantons'; nor, if there were, could *Παγαί* be derived from it as seems to be implied—*horresco referens*—on p. 27. To say that Miletus was probably a good customer for coarse Megarian woollens in the seventh century (p. 122) is flatly absurd; and it is hardly necessary to say that Miss Dunham, whose *Miletus*, p. 68, is cited in support of this absurdity, said—and could have said—nothing of the sort. That the development of slavery 'must have been almost the one deciding factor' in the rise of early Greek tyranny is a doctrine which calls for more serious demonstration than it gets (ch. vi). The author promises a second volume containing among other things a *Prosopographia Megarensis*: this may well be a really useful contribution.

D. C. M.

Monsieur A. Piganiol's *La Conquête romaine (Peuples et civilisations: histoire générale, iii)* (Paris: Alcan, 1927) is one of those *œuvres de vulgari-*

sation with which publisher's lists are teeming at the present time ; and the author has certainly achieved a *tour de force* in compressing the history of Rome from the origins down to the battle of Actium into 512 pages. It goes without saying that he has not been able to discuss at length any of the very debatable questions which necessarily arise ; and, since this is so, he has wisely refrained from embarking upon adventurous theories such as those which, to speak frankly, he has himself put forward in earlier days. At the same time he is occasionally more dogmatic than is warranted by the present state of our knowledge : it is going too far to say, for example, that 'scholars are agreed in admitting that the Sabines conquered Latium, but they sometimes tend to date this invasion in the middle of the fifth century'. Nor can he always escape the lack of clarity which is almost inseparable from extreme condensation. For example, in enumerating Caesar's legislative reforms, M. Piganiol writes :

Before legislating he consulted the Senate, or only its principal members ; he had raised the number of the Senators to 900 and had placed provincials and centurions on the roll ; he intended to reduce this Senate to the position of an advisory body, and Cicero asserts that he fabricated *Senatus consulta* when required. Then he submitted his measures to the assembly of the people. The papers of Caesar, reproduced in an inscription discovered at Heraclea, reveal to us a stage in the preparation of these legislative drafts.

Now there is much to be said for von Premerstein's view that the tables of Heraclea preserve a series of drafts promulgated as part of the *acta Caesaris* ; but unless the reader is familiar with the *Zeitschrift der Savigny-Stiftung* he will not derive much information as to what the tables contain from the condensed paragraph cited above, and the *Lex Iulia Municipalis* (or what passes for such) will not come within his ken. M. Piganiol's book has one admirable feature : the brief bibliographies given in the foot-notes to each section, which are remarkably up to date and contain what is especially valuable, namely references to the most recent articles in learned periodicals. It was not to be expected that in so brief an outline of Roman history the author should propound novel theories ; but it is interesting to note that he puts forward the suggestion (p. 233) that the formulary procedure in the praetor's court may have had its origin in the international sphere : in the arbitrations between Greek states, in which the Senate took part in the second century B.C., it decided the governing issue, while leaving for the arbitrator the decision on the facts. In point of fact this seems less probable than the converse view : the inscriptions on which it is based seem to be later than the probable date of the origin of the formulary system and *ὅσον καλὸν καὶ δίκαιον* reads like a translation of *quantum bonum aequumque sit*.

H. S. J.

The Editio Parisina of the works of St. Augustine was prepared by the Benedictines of St. Maur (Paris, 1679) and the treatise *De Catechizandis Rudibus* is contained in volume vi. There is a reprint of this Benedictine edition by Krüger and Drews issued in 1909 at Tübingen, and it is from this reprint, with slight modification of single words and of punctuation, that the Rev. J. P. Christopher obtains his text of *De Catechizandis Rudibus* (Brookland, D.C. : Catholic Education Press, 1926). His bibliography of translations, works on catechetics, on the language of St. Augustine, of literary and historical works, and on theological and philosophical

works, on scripture commentaries, with a list of lexicons and encyclopaedias, is sufficiently comprehensive. The introduction deals with Catechesis, i. e. with catechetical instruction for the two classes of catechumens: the *accedentes* and the *competentes*. For the instruction of the former this treatise of St. Augustine appears to be the only one extant. The class of *accedentes* was composed of pagans and heretics, the children of Christian parents receiving religious instruction at home. The Benedictine editors assign c. A.D. 400 as the date of composition; Wundt suggests A.D. 405. This treatise is a manual for both the catechist and the catechumen, and Dr. Christopher points out certain unique features in it, as a contribution to catechetics. As to its influence on later writers, it is claimed that it is followed by or at least known to Cassiodorus, and to Isidore of Seville. It was used in England by Bede and Alcuin, and by Alcuin's most distinguished pupil, Hrabanus Maurus. 'The next great names in the chain of inheritance from Augustine are Petrarch, Erasmus, and Vives, all of whom were steeped in Augustine's theory of education.' Then follow Wicelius, Fleury, Pouget, Bougeaut, Felbiger, Gruber (1832), Eising (1905). The introduction further discusses the historical and literary importance and the sources of the text, its style and place in literature. The Latin text and the editor's translation into English are then given on opposite sides of the pages. There is a comprehensive analysis and commentary, and useful indexes: of subjects, scripture texts, and of Latin words and phrases. It is a painstaking, capable, suggestive piece of work.

F. W.

Canon T. Ratcliffe Barnett has written a pleasant little book, based upon original authorities, in *Margaret of Scotland, Queen and Saint* (Edinburgh: Oliver and Boyd, 1926). Eminently clear and sane, the book contains little that is new. Much of the evidence has been drawn from the collection of sources made by Mr. A. O. Anderson, but there are signs that the background of the writer is hardly firm enough. He writes sometimes as if 'atheling' were the family name of the royal line of Wessex, and he seems to attribute to the court of Hungary a majesty which it probably did not possess in the middle of the eleventh century. The coats of arms of Edward the Confessor and of Margaret are presented on the title-page without any hint that they are the inventions of a later age. The exact bearing of Queen Margaret's enterprise upon the development of Scottish religion would have stood even further examination, though the author is clear and accurate so far as he goes.

J. D. M.

In his little book, *St. Hugh of Lincoln* (London: Society for Promoting Christian Knowledge, 1927), Canon R. M. Woolley has written a very readable and competent account of the great bishop. In one or two respects, e. g. his liturgical appendix and his treatment of the miracles and process of canonization, he has been able to point out new material, although here he seems to have missed or fails to refer to the documents printed in volume vii of the *Opera Giraldi Cambrensis* (Rolls Series). The book is so sympathetic and intelligent that it deserves a long life, and in view of a second edition a few corrections may be made. Alexander of 'Lewis' (p. 38) should presumably be 'Lewes', and 'regular' clergy should, I

think, be 'secular' (p. 38, line 3). Giraldus was not archdeacon of Oxford (p. ix). The king's chancellor should not be described as chancellor of the realm, John not as 'Prince' John (p. 95). Château Gaillard is not *near* but is Roche d'Andely (p. 125). The form 'Engolisme' on p. 135 should be corrected to Angoulême, and 'Clermaretz' on p. 153 to Clairmarais.

F. M. P.

Professor L. J. Paetow has obviously taken great pains over his edition of the *Morale Sclarium of John of Garland* (Berkeley: University of California Press, 1927). His text is a result of the collation of five manuscripts, and this has been well done. It is prefaced by an account of the life and works of John of Garland which collects all the known facts about him, corrects a number of errors, and is supplemented by a list of his writings and of those attributed to him, many of which still remain unprinted. The text is immediately preceded by a free English paraphrase of the Latin, in which the glosses are frequently incorporated to explain the text. This is stated fairly enough, but the editor seems to introduce some confusion by treating the glosses as of the same date as the original. The poem is a plea for the liberal arts and contains much incidental information about the morality of the clergy, the text-books in use, contemporary manners, and student life generally. In spite of several minor misprints and a number of quotations cited at second-hand, it is a careful and valuable contribution to our knowledge of thirteenth-century scholarship.

G. R. P.

'A true understanding of the life of the past can only be obtained by a study of the women who flit shadowily through the pages of history.' In these words Mrs. Yvonne Maguire indicates the scope and purpose of her book, *The Women of the Medici* (London: Routledge, 1927), and she is to be congratulated upon the light which she has thrown upon the intimacies of life in Renaissance Florence. The basis of her study is the correspondence of three women—Contessina dei Bardi, Lucrezia Tornabuoni, and Clarice Orsini—wives of the three ruling members of the house of Medici in the golden age. Some of the more important letters have been published before, notably in Mrs. Ross's *Lives of the Early Medici*, but many are printed here for the first time. The development which took place in the outlook of women under the influence of the Renaissance is strikingly illustrated in the contrast between the letters of Cosimo dei Medici's wife and those of her daughter-in-law. Contessina's interests are strictly domestic. The health and the clothes of the family, the conveyance of household goods from one Medici villa to another, the making of oil, and the bleaching of linen are the matters nearest to her heart. Her attitude towards politics may be gauged from a remark to her son: 'Cosimo has given up the trouble of being one of the Eight, and has put Pierfrancesco in his place; the same might be done for you' (p. 54). Lucrezia, the wife of Piero il Gottoso, ranges over a wider field. She goes to Rome to negotiate the marriage between her son Lorenzo and Clarice Orsini, she has numerous protégés for whom she obtains government posts, she corresponds with Politian, and is herself a poetess. Among the interesting touches upon the chief personalities of the day may be noted Piero's determination to curb

the youthful arrogance of Lorenzo when the latter was about to visit the Court of Milan. 'Tell Lorenzo that he is not to go beyond his orders in any way, and not to make such a fuss. . . . I will not have the gosling teach the gander to drink' (p. 89). 'Giovanni asks for some sugar-plums and says that last time you sent very few' (p. 114) is a characteristic message from the future pope Leo X, ever grasping after the good things of this life. The value of the book would be enhanced by the provision of a genealogical table, and it is misleading to describe as portraits of her three heroines the bust and pictures of which the attribution, as the author is aware, is in every case purely conjectural.

C. M. A.

The political association of the Netherlands with Spain in the sixteenth century led naturally to close connexion between the countries in other departments of life. Monsieur P. Groult's *Les Mystiques des Pays-Bas et la Littérature Espagnole du Seizième Siècle* (Louvain : Uystpruyst, 1927) is a study of Christian mysticism, of an historical and literary as well as religious significance. Each country had its school of mystical writers : the Netherlands mainly in the fourteenth and fifteenth centuries, Spain in the sixteenth. Thus arises the question as to the influence of the former school upon the latter. M. Groult deals first of all with the external evidence ; and there he is on fairly easy and solid ground. The records of the printing press, at any rate, will show more or less what books of the Netherland schools were printed in Spain down to the middle of the sixteenth century, the date at which the full vigour of the Spanish school begins. This will not deal with the influence of imported books. As to them information is to be had from the successive issues of the *Index librorum prohibitorum*, in which some of the Netherlandish books figure. It is also to be had in some degree from contemporary catalogues of Spanish libraries. In the second part of the book the author deals with the more delicate task of handling the internal evidence. This is all the more difficult because the Spanish writers as a rule did not quote their authorities by name, as the English mystics of the fourteenth century openly cited the Victorines. When they mention an author it is usually a patristic writer or one of renowned authority ; and the mention is intended not as an acknowledgement but to give weight to the passage. So there are few obvious clues. Again, the Netherland writers had not developed much characteristic terminology of their own, which could at once be recognized in quotations, as one might recognize an obvious influence of Jakob Böhme wherever his strange jargon appeared. The task consists in tracing similarities of thought and direction ; and considering the large amount of common material that mysticism had accumulated since the fifth century, this is a very difficult task. M. Groult's treatment is perhaps more prolix than conclusive. But his detailed analysis of two of the Spanish writers Osuna and John of the Angels is a careful piece of work ; and the brief surveys that he gives of the rise of each school in turn are in themselves useful and readable.

W. T.

For the historical commission of the Belgian Royal Academy, M. Joseph Cuvelier, with the collaboration of M. Joseph Lefèvre, has published the second volume of the calendar of the *Correspondance de la Cour d'Espagne*

sur les Affaires des Pays-Bas au xvii^e siècle (Brussels : Kiessling, 1927). It is even more valuable than the first.¹ The period covered is 1621-33, the first stage of the renewed war with the United Provinces, and the documents are predominantly military and diplomatic. The relations between the courts of Madrid and Brussels were such that their correspondence gives a full view of Spanish policy. On the military and naval side there are plans of campaign, projects, exhortations, and inadequate remittances from Spain, the Spain of Olivares, in exchange for which the Netherlands, nearer the scene of action, send reports and warnings and demands for money, in the matter-of-fact spirit of Spinola or the despondent tones of the Archduchess Isabella. For diplomatic affairs there are excellent reports and memoranda (partly, indeed, already printed or used by historians), which cover all the foreign relations of Spain, including those with England. Incidentally to the war there is much about trade, especially Dutch trade. Constitutional and domestic questions in the Netherlands occupy comparatively little space. Among the many small miscellaneous matters we may mention a few which show how many fields are touched : English and Irish religious houses in the Netherlands ; works on a canal between the Meuse and the Rhine ; Spanish recruiting in England ; proposals to transfer the Merchant Adventurers to Antwerp. The new volume is almost entirely free from the defects of editing which, in the special circumstances of its publication, could not be avoided in the first. The general arrangement is the same. Any English students who make use of the book through the index will need to be on their guard : very little knowledge of Spanish is needed to see why the fourth lord Vaux of Harrowden figures as 'le baron de Baux', but it is a little unexpected, after 'Colonel Amilton', to find Walter Aston as 'Gauthier Haston'. The few trifling errors we have noted in the calendar itself are of no moment : the craftsmanship seems to be worthy of this permanently important publication.

G. N. C.

Mr. F. P. Wilson intended a commentary on Dekker's plague pamphlets and proceeded to a scholarly study of *The Plague in Shakespeare's London* (Oxford : Clarendon Press, 1927). The outbreaks of the disease in 1603 and 1625, to which he has devoted most attention, were disintegrating in their effects upon the social and economic life of London ; and although it may be questioned whether Mr. Wilson does not occasionally assign to them alone results which were due to a variety of causes, yet he brings ample evidence to show that the damage they wrought was serious enough. On the administration of the city once the plague had made good its hold he has much to say that is of interest. The policy of the seventeenth as of the sixteenth century was to increase the responsibility of existing officials rather than to appoint new ones, and primarily it was the lord mayor and his aldermen upon whom fell the duty of enforcing the plague orders, their authority being reinforced in 1609 and again in 1625 by a special commission of health issued to seven of their body. They could call to their aid all the usual officers of local government as well as the two substantial and discreet citizens, known first as surveyors and after 1604 as examiners, whom the orders of 1583 required to be chosen in each

¹ See *ante*, xl. 285.

parish by the aldermen in case of necessity (pp. 19 *seq.*). Mr. Wilson gives a full account of the orders themselves (pp. 24 *seq.*). It is easy enough to criticize them in the light of modern knowledge; but if most of the preventive measures were inadequate and the remedies often more foul than the disease itself, there were some which were sound in principle, such as the numerous prohibitions against the sale of unwholesome food (pp. 48 *seq.*), while Thomas Lodge's charming prescription that a man should live 'in repose of spirit' would, as Mr. Wilson well says, be endorsed by any physician to-day (pp. 7, 8). The importance of segregation, too, was well known. The difficulty was to enforce it, a difficulty not peculiar to that century. The regulations forbidding public assemblies in London and isolating infected houses seem to have been more or less well kept, but it was impossible to forbid people to leave London, and once fear had laid hold of the populace there was something like a general exodus of the well-to-do, beginning with the court. The comments were bitter, especially when the parish priests left with the rest. The fact was, of course, that, while many went, there were others who could have gone but who remained. As regards London this exodus was actually a benefit, for it helped to clear the plague out of the town. The effect on the provinces was disastrous, for even the court carried infection with it. Mr. Wilson has given us much information of importance. We may be permitted to hope that he will ultimately give us more. Other epidemics, such as those of the small-pox to which he more than once alludes, played their tragic part in social life also.

G. S. T.

The interest and value of the *Table Talk of John Selden* (London: Quaritch, 1927) have been so generally recognized as not to need further enforcing. But the state of the text has always been more or less unsatisfactory. The person who originally noted down Selden's remarks, his secretary Richard Milward, made a complete copy which he dedicated to Selden's executors in a formal letter, but there is nothing to show that they actually received the manuscript. It is probable that Milward allowed a transcript or transcripts to be taken, that these passed into various hands, and that copies were made with different degrees of care and intelligence. Corruptions and omissions naturally ensued. The book was not published until 1689, thirty-five years after Selden's death, and then from a manuscript obviously faulty in many respects. Milward's original manuscript appears to have been lost. The text remained in much the same state for nearly two hundred years. In recent times five manuscripts were known to exist, one in the library of the house of commons, one in the Advocates Library, Edinburgh, and three in the British Museum. Upon the latter the latest and most competent editor of the *Table Talk*, the Rev. S. H. Reynolds, based a text much superior to any that had yet appeared. In 1909 another manuscript was acquired by the Hon. Society of Lincoln's Inn, and this the Selden Society undertook to edit and publish as an act of piety to their patron saint. The task of editor was entrusted to Sir Frederick Pollock and the result is this handsome volume. Sir Frederick has not attempted to produce a definitive text, still less to supply a full annotation, Reynolds's notes being abundant and generally adequate. But he has been careful to reproduce the Lincoln's Inn manuscript accurately, even

in its obsolete spelling, and to mark all its various readings. Several of these are manifestly right. Thus, for the old and meaningless 'Quoting of authors is most for matter of fact, and then I write them' the Lincoln's Inn manuscript gives 'Quoting of authors is most for matter of fact, and then I cite them' (p. 24). Again, for 'One or two that are piously disposed may serve themselves their own way' the Lincoln's Inn manuscript reads 'One or two that are piously disposed may serve God themselves their own way' (p. 72). The fragmentary 'the temporal and spiritual power . . . are like two twists that—' is completed in the Lincoln's Inn manuscript by the words 'make up the same rope' (p. 98). As the best available Life of Selden, Sir Edward Fry's article in the *Dictionary of National Biography* has been reprinted in this volume. F. C. M.

Sir Hermann Gollancz has made a useful and picturesque contribution to the history of Christian missions in the East by his recent publication, *The Settlement of the Order of Carmelites in Mesopotamia* (London: Milford, 1927). It consists of the text (in Latin, French, Portuguese, Italian, Turkish, and Arabic) and of a translation of a manuscript in his possession written by Agathangelus of St. Theresa, vicar of the Carmelite residence at Bassora, 1674–85, and by other unknown scribes. The period covered extends from 1623 to 1733, but the Chronicle does not become at all detailed until the year 1674. It is an interesting story which these old fathers have to tell of life in a remote but busy Turkish provincial city, though for the most part it is restricted to purely local and personal affairs. There are the little triumphs of the religious over the Sabaeans and other heretics and infidels, narrated with a naïve, if pious, complacency; there are the frequent comings and goings of English, Dutch, and French vessels and the escapades of their crews; there are the disputes and lawsuits with unscrupulous or fanatical Turks, though the fathers appear normally to have received more favourable treatment from the Turkish officials than that usually accorded to the Franks at this time in other parts of the Ottoman Empire, and particularly in Egypt; and then there are the doings of the religious themselves. Occasionally one of their number would be moved to India, or they would welcome fathers passing through from Syria or on their way to Persia; but, generally speaking, it was a lonely and a short life in these outposts of Christendom. Often there was only one religious left in the residence, and the cemetery *Haissah Ben Mariam* is mentioned with ominous frequency. As Sir Hermann Gollancz tells us that the preparation of this work was burdened by a long and serious illness, it would be uncharitable to complain of the rather vague and perfunctory nature of the notes he has appended, but certain inaccuracies require to be amended. Sultan Bajazet was defeated by Timur near Angora, not at Alcántara in Spain; to describe Surat as 'the capital of a British collectorate, taken by the British in 1759' hardly leaves the impression that the British had been established there for over a century (since 1612); and it is not strictly true to say that Pondicherry was 'in Madras' at this period, or that Goa was in 'the Indies'. A. C. W.

In this third volume, *Denmark* (of some 270 pages), of *British Diplomatic Instructions, 1689–1789* (London: Royal Historical Society, 1926),

Mr. J. F. Chance has edited with conspicuous care and learning a selection from the attempts of innumerable secretaries of state to make of Denmark an instrument of British policy in the north. The recipients of their dispatches include several 'whom assiduous public service has left strangers to fame'. For nearly forty years, however, British interests at Copenhagen were served by the distinguished Cambridge classic, Walter Titley, who although ignorant of Danish and not too careful of his ciphers, knew and loved his surroundings and could be trusted to angle skilfully for a Danish bridegroom or to fend off a distasteful Prussian bride. Apart from his long tenure of office, such unity as these records possess arises chiefly from the immutability of British principles in the century which they embrace. All foreign secretaries dutifully believed in the creed formulated by Carmarthen at its close: 'The system of Denmark can never be so favourable to her prosperity as when closely connected with, and of course protected by England.' Thus Townshend regards the establishment of the Altona company as a Danish folly, almost as a breach of faith, just as in the famine year 1709 the Danes had been expected to realize that 'to continue the distress that France lies under at this juncture for want of corn . . . they ought not to think it strange if their ships laden with corn for France happen to be stopped and brought up'. The successive insinuations to be made by our diplomatists 'in the most soft and tender manner, as proceeding from your concern for the good and welfare of Denmark', demanded indeed a certain receptiveness and flexibility in the government to which they were addressed. In 1714, for example, Bromley demonstrates the peril to Denmark from Russia, potentially 'a very formidable neighbour'. Five years later, with admirable subtlety, Stanhope proves that to save Sweden now is the only way to avert the Swedish peril in the future. In 1739, however, Harrington declares that Sweden, 'who has never neglected any opportunity of encroaching upon and oppressing' the Danes, must not be encouraged against Russia. In 1749 it is the ambitious views of France and Prussia against Sweden that Newcastle condemns. Holderness, seven years later, sounds the alarm against the unnatural union between France and Austria, which threatens the Protestant religion. Pitt follows in 1760 by a call to arms against Russia. Sandwich in 1764 writes with refreshing frankness: 'We are too well acquainted with the servile dependance of Denmark and her ministers upon the court of Versailles to expect any resolutions from thence either of dignity or weight.' But in due course Weymouth is hinting at a 'comprehensible' northern system to counterbalance the increasing power of the house of Bourbon (1779), and Stormont, two years later, is denouncing the malign influence exercised both at St. Petersburg and Copenhagen by Frederick the Great. To make of all this a connected narrative would demand far more space than Mr. Chance can command and perhaps a less kindly temperament. He might, however, have mentioned his own *George I and the Northern War* and the collection of British dispatches published in the *Danske Magazin* for 1908.

W. F. R.

Mr. B. Newman's volume on *Edmund Burke* (London: Bell, 1927), although in form a biography, does not profess to augment our knowledge of the facts of Burke's life, and is rather to be regarded as a criticism or

appreciation of the man. Burke may be considered from three points of view, as a statesman, as a philosophic writer upon politics, and as a master of the English language. Mr. Newman's estimate of him in all three characters is fair and independent, but, conveyed as it is in scattered comments rather than in formal judgements, it is not easy to summarize. He has some good remarks upon the extraordinary value attached to eloquence in the eighteenth century and the result upon the character of parliamentary speaking. He rightly notes the fashion of 'sensibility' which then prevailed in England as well as in France, and sometimes produced in Burke's orations extravagances rivalling those of orators in the revolutionary assemblies. He confesses that Burke was not sensitive to the moods of his audience, and he thinks that Burke never had much insight into individual character. He remarks upon 'the dissimilarity between Burke's temperament and his intellectual convictions' (p. 63). Elsewhere he notes in the 'Reflections on the Revolution in France' 'the innate practicality which is barely concealed by the imaginative splendour of his rhetoric' (p. 218). On the other hand, Burke 'never appeals to mere expediency. The expediency which he invokes against the intolerance of theory is an expediency of the highest kind. It is an expediency based on a view of human nature which, if not exaggerated, is anything but ignoble' (p. 249). At the same time Mr. Newman points out that Burke was not always consistent with himself, and that he often 'adopts certain conceptions current in his day which he transcends without formally abandoning' (p. 244). 'He was, it may be said, an orthodox eighteenth-century Whig at bottom, however much he was also' (p. 224). One or two errors of detail may be corrected in a second edition. 'Property of £300 a year was then a legal qualification for the representation of a county, though this did not apply to a borough' (p. 81). The act of 9 Anne required landed property to the value of £600 a year for a county member and to the value of £300 a year for a borough member. King George's reluctance to part with Lord Shelburne caused an interval without a government, not of five months, but of five weeks (p. 129). The Speaker does not preside in committee of the whole house (p. 235).

F. C. M.

French Society in the Eighteenth Century (London: Bell, 1926) is an excellent translation of the book by M. Louis Ducros, of the University of Aix. M. Ducros, who has written books on Diderot and on the Encyclopaedists, has a full knowledge of eighteenth-century French memoirs, and he quotes discriminatingly in his attempt to 'show the century as it really was'. He says of the French: 'it is rather our curious and even annoying habit to lower ourselves in the eyes of others than to boast before all the world.' The same remark is often made of the English. It is perhaps rather our contemporaries than ourselves that we are inclined to belittle, and memoirs are a notoriously dangerous source. But M. Ducros uses them with a true historian's judgement and his book contains a great deal of valuable matter, particularly on life in the provinces, and the various classes of lawyers. The illustrations from contemporary engravings are well chosen.

W. D. G.

Nothing that is written by M. Pierre de la Gorce could lack distinction of style and felicity of phrase. It may be doubted, however, whether his

Louis XVIII (Paris: Plon-Nourrit, 1926) will add to his great reputation. The book is an essay, but it is also a narrative which reviews both internal events and foreign policy. Though there is no bibliography or index, there is some attempt at documentation and citation from unpublished sources. These are, however, so sparse and unregulated that they contribute little, and moreover reveal the fact that M. de la Gorce is almost totally unacquainted with the vast amount of information printed on the international aspect of his subject in recent times. The account of foreign policy has been based on the publications of the Imperial Russian Historical Society, Talleyrand's letters, and the like. M. de la Gorce claims in his preface to have attempted 'une revision'. In the royalism which centres round Louis XVIII he sees a revived nationalism which restored and revived France. The idea is hardly a new one, but it is here so deftly and pleasingly portrayed that it makes the regret all the keener that the book lacks solidity of preparation.

C. K. W.

The Paris Embassy, by Beckles Willson (London: Fisher Unwin, 1927), is described in a sub-title as 'a narrative of Franco-British Relations, 1814-1920'. It is, however, less serious and systematic than this description would lead us to expect. Mr. Willson describes the lighter side of life at the Embassy. His early chapters contain many extracts from the letters and memoirs of Lady Elizabeth Stuart, the Comtesse de Boigne, Harriet Lady Granville, Lady Blessington, and Lady Georgiana Fullerton. He quotes also from graver sources of information. It is curious that he refers to 'F. O.' for a certain number of dispatches and letters which are accessible in such well-known works as the *Life of Lord Lyons*, and the *Letters of Queen Victoria*. If Mr. Willson has really made use of the Foreign Office archives the results of his investigations are not easy to discover. But his book is an agreeable anthology.

G.

There is something new, but not much, in the *Servant of All* (2 vols., London: Longmans, 1927), a biography of James Wilson (1805-60) by his daughter Emilie I. Barrington. Wilson, who founded the *Economist* in 1843 and was its principal writer until 1859, owed his importance in the Whig party to his knowledge of finance and commerce. He was overshadowed by Cobden and Gladstone in the earlier part of his political career, and Lord Palmerston preferred Sir George Cornwall Lewis as his Chancellor of the Exchequer when forming the administration of 1855. Yet Wilson's services in less conspicuous posts were more than respectable. As secretary of the Board of Control (1848-52) he was largely responsible for the establishment of the first Indian railways on a sound financial basis. As financial secretary of the Treasury (1853-8) he effected a salutary reform in the methods of his department, despite some passive resistance from Cornwall Lewis. He went to India in 1859, as financial member of Council, with a mandate to restore equilibrium between revenue and expenditure. He died within a year of his arrival, but not before he had produced a masterly budget, embodying a new system of taxation, and also a scheme for a paper currency. Both these measures were amply justified by their results. Mrs. Barrington prints much domestic material in the shape of family diaries and letters. She also gives us some letters written by

Gladstone, Clarendon, and Cornwall Lewis, which are not without historical interest; and she produces a small amount of new information about Wilson's own public career. But this book will not supersede the excellent memoir of Wilson which Walter Bagehot, his son-in-law, published in 1860, and which is reprinted in Bagehot's *Literary Studies*. Wilson's own letters are disappointing, apart from their acute comments upon current politics.

H. W. C. D.

In the seven essays which constitute his book on *British Foreign Secretaries, 1807-1916* (London: Bell, 1927), Mr. Algernon Cecil announces that his aim is simply 'to visualize the leading characters in Foreign Office history'. This he has done well, in some instances brilliantly. He can be paradoxical, as in his defence of Metternich (pp. 35-6); he can also be commonplace when he writes of a personality so uncongenial as that of Palmerston. But his judgements on individuals are usually arresting and sometimes profound. Aberdeen's strength and also his weakness, as a statesman, are admirably epitomized in the description of his career as 'the romance of a mind seeking to bring the counsels of Christianity to bear on the troubles of the time' (p. 92); and a tribute to all the brilliant qualities of Clarendon is tempered by the observation that in times of crisis Clarendon 'betrays himself by a kind of fatalism' (p. 243). Mr. Cecil's criticisms command less confidence when they relate, as they frequently do, less to the man himself than to his works. He is a thoughtful critic; but he seems to shift his ground in passing from one subject to another. When he writes about Aberdeen he is all for the man of principle; when he comes to Lord Salisbury the test of merit is changed, and we are asked to admire the hardy opportunist who could never quite accept the Christian code of ethics (p. 283). The passive, accommodating temperament which is a virtue in Lord Aberdeen becomes a weakness when it reappears in Granville. We may suspect that family and party bias account for some of Mr. Cecil's inconsistencies. But others are due, we fancy, to a cross-bench frame of mind. At least it is difficult on any other assumption to explain why he criticizes Granville for courting Bismarck's friendship and Salisbury for resolutely declining it (pp. 264, 303). Mr. Cecil makes good use of secondary authorities. In his last chapter he cites some of the collections of documents which bear upon the origin of the war of 1914. But he fails to use these collections when he is writing of Granville and of Salisbury. His account of the entry of Bismarck into the African arena (p. 269) takes no account of the correspondence published in the fourth volume of *Die Grosse Politik*. In the same volume he would have found the correct version of Bismarck's advice to Granville (in September 1882) about British policy in Egypt.¹ 'If England should prefer to annex Egypt she would not meet with opposition from the side of Germany.' Lord Salisbury's Mediterranean conventions of 1887 are accessible in Příbram's *Secret Treaties of Austria-Hungary*; if Mr. Cecil had consulted this work he would hardly have spoken of a single convention, nor would he have ignored the participation of Austria-Hungary in this maritime alliance (p. 304). Though he has described correctly enough the secret clauses of the Anglo-French

¹ *Gross. Pol.* iv. 36-8.

Morocco agreement of 1904 (p. 313), it would have been well to point out that they are printed in Morel's *Morocco in Diplomacy* (1912).¹

H. W. C. D.

In *Gladstone and Britain's Imperial Policy* (London: Allen & Unwin, 1927) Professor Paul Knaplund seeks to vindicate Gladstone's views on colonial expansion, and attributes to him an important share in moulding our present conception of the true relationship between the home country and the dominions. It is easy to establish his belief in self-government, his distrust for tariff ties, and his willingness to forward plans of federation. Like other Victorian statesmen, he at times foresaw a break-up of the empire and fancied no help would come from overseas if Britain were at war, but these were not final judgements. The author ascribes his Home Rule bills to his 'sublime faith in freedom as the healer of national and imperial ills', and says nothing about Ulster. Whether the book really proves that 'Gladstone must be reckoned among the great architects and builders of the British Commonwealth of Nations' is a question which can hardly yet be answered without partisanship. At any rate, the proposition is here strongly maintained. Among hitherto unpublished or only partially published documents printed in the later chapters, are an essay on colonies and colonization written by Gladstone in 1835 and an address delivered at Chester in 1855. The latter shows how impressed Gladstone was with the Greek idea of colonization.

G. B. H.

Professor S. E. Morison's *The Oxford History of the United States 1783-1917* (London: Milford, 1927) is one of the fruits of his recent tenure of the chair of American History at Oxford, written, he tells us, in the hope of introducing British readers to the history of the United States and of offering to American readers a fresh point of view on their country's development. How far it fulfils the latter purpose is for American readers to judge, but it is in most respects admirably adapted to serve the former and to stimulate and satisfy the rising interest in American history which is happily noticeable in England. To Anglo-American and Canadian American relations, particularly in the earlier part of American history, he gives considerable attention, and readers on both sides of the Atlantic will find a special value in his clear and balanced explanation of some perplexing questions. The best part of the book seems to be that which deals with the earlier years, to which he has perhaps devoted a disproportionate part of his space, but we get in compensation an excellent idea of America in the making, its character, problems, and ideals. The Civil war is also treated fully and interestingly; but the forty years following reconstruction hardly get the attention which the preface had led us to hope. We learn more what America was like in the days of Monroe and Adams, Jackson and Clay, than of what it was like a decade ago, of the west before the railway age than of the west since, of pioneering and agricultural expansion than of the modern industrial and commercial expansion. And what of the states? Is there nothing to record in state life since the great question of state rights was laid to rest? But Mr. Morison is perhaps wise to take

¹ Also in Gooch and Temperley, *British Documents*, ii. 392 ff., a work which has appeared since the publication of Mr. Cecil's book.

a more summary view of recent years. For with the enormous immigration since the Civil war, the filling up of the west, the transformation of the south, the great development of her industries, her more important world position, America has been in the making again since her great struggle, and time must elapse before we can see her progress and her policy in historical perspective. We are grateful for a book, fresh, full, and interesting, strong in the portrayal of personality, well illustrated with maps, with an ample bibliography, and supplying what English readers and students were looking for, a lively and suggestive account of the most interesting and significant national history of the nineteenth century. E. A. B.

We are indebted to the enlightened generosity of the University of Calcutta for the attractive account of *Harsha* of Kanauj given by Professor Radhakumud Mookerji (London : Milford, 1926). The undeniable genius of Bāṇa and the elaborate records of the Chinese pilgrim Huan Chwang render it possible to present a picture of Indian history in the first half of the seventh century in which conjecture may be relegated to secondary importance, and, though M. Ettinghausen's monograph has high value and that of Mr. K. M. Panikkar is meritorious, there was ample room for Dr. Mookerji's work. Its chief interest lies perhaps in the treatment of the administration of the empire, the religions and learning of the day, economic conditions and social life. The complex historical problems regarding Harsha's contemporaries are dealt with at some length, but the author makes no claim to original solutions, and in fact nothing but the discovery of further and less ambiguous inscriptions will ever clear up satisfactorily the obscurities of our knowledge. Dr. Mookerji has perhaps been seduced by the real fascination of the *Harshacarita* to forgive Bāṇa too readily for his deplorable failure to impart to us clear information on the most vital points of the tragic events which heralded Harsha's accession to power. A few slips will doubtless disappear in a later edition. The alleged visit of Syrian Christians to Harsha's court (p. 145) is due to a misunderstanding, and the ascription to so respectable an authority on literary history as Rājasekhara of the fiction regarding Dhāvaka Bhāsa (p. 157) gives currency to a mere forgery. Nor is it convincing to ascribe (p. 72) the hatred of Çaçāṅka for Buddhism to the fact that he was a follower of the Çakti cult, for by the seventh century A.D. the spirit of Tantra had deeply invaded even Buddhism. Nor is it at all certain that Bāṇa refers to Harsha in the term Āḍhyarāja (p. 157), while no less an authority than Dr. Thomas is inclined to ascribe to Harsha, author of the *Naishadhakāvya*, the mediocre Buddhist *Suprabhātastotra*. A. B. K.

One opens *A Pageant of India*, by Adolf Waley (London : Constable, 1927), with a feeling of doubt whether yet another epitome of Indian history, 'from the shadowy beginnings to the death of Aurangzeb,' is really needed ; also with some fear—inspired by the title and the publishers' note—lest the author's methods should prove too cinematographic for the taste of a serious student. On the whole, however, Mr. Waley has done his work well, and has produced a useful summary of events, particularly during the reigns of the six Great Mughals, a period which fills up more than half the volume. One must deplore the want of maps. The volume is

presumably intended mainly for readers who are but slightly acquainted with India, and its usefulness would have been much increased if it had been equipped with maps showing the country at various stages of its history and giving a clue to the position of the places with the names of which its pages are crowded. W. F.

The appearance of the first of the two volumes to be assigned to military and naval affairs in M. Gabriel Hanotaux's *Histoire de la Nation Française* (Paris : Plon-Nourrit, 1925) is a reminder of the severe loss which military history suffered in the death, during the late war, of the French historian, General Colin. The first section only of this substantial volume is from his pen. It covers the period from Caesar to the Crusades and displays his capacity for selecting and elucidating essentials, for clear statement, and for suggestive discussion. The rest of the volume, starting with the Crusades and going down to 1789, is by Colonel Frédéric Réboul, who may be congratulated on the very large measure of success he has achieved. He gives an excellent summary of the varied military history of France, enabling one to grasp the main features of the development both of the art of war and of the military institutions of the country. The scheme of the work does not admit of precise or detailed references, and it is not possible to be certain whether Colonel Réboul might not have carried his researches further in more than one direction. He does not seem, for example, to have used M. Waddington's *Guerre de Sept Ans* and his treatment of the Hundred Years' war suffers from his evident unfamiliarity with the researches of English writers like Professor Tout and Dr. J. E. Morris (cf. p. 194). He does not even refer to so well known a work as Professor Oman's *Art of War in the Middle Ages*. One may perhaps select the portions dealing with the sixteenth and seventeenth centuries as the most valuable and interesting. The French Wars of Religion have received but little attention from military historians, and Colonel Réboul is on fairly fresh ground here. He is also very successful in dealing with the definite development of the French standing Army under Richelieu, who appears, however, as sadly prone to the amateur strategist's besetting sin of dispersion (p. 389). He is good on that man of many activities, Vauban; does something to explain Luxembourg's reputation; and has some suggestive remarks even when on the more familiar ground of the eighteenth century, emphasizing, for example, the shocking state into which the French artillery had been allowed to fall as one of the contributory causes of their failures in the Seven Years' war. It is a little disconcerting, however, to find Cumberland described as having been beaten at Prestonpans and Falkirk (p. 522), and Wolfe credited with having commanded 30,000 men at Quebec (p. 541), while it must be admitted that the treatment of naval affairs is far from adequate or up to the level of the rest. Only a scanty space is allotted to them, there are many mistakes of fact, many over-positive statements on contentious points, and several important things are slurred over and omitted. Nevertheless, the volume as a whole is a mine of information.

C. T. A.

Lieutenant-Colonel L. H. Thornton has printed under the title *Light and Shade in By-gone India* (London : Murray, 1927) the substance of a

course of lectures which he delivered recently to the Regular Army candidates at Cambridge. His main purpose was to illustrate the conditions under which the great campaigns of the eighteenth century were fought in India ; and in order to provide his chapters with a central theme he groups them round the career of Sir David Baird, who underwent so many vicissitudes in the course of his Indian service as to exemplify more aspects of military life than any other single officer could do. The author lays no claim to research, but he has read widely, and presents his subject clearly and pleasantly, so that his volume should fulfil the purpose with which it was written, although it must be added that the historical views propounded are sometimes those which were current thirty or forty years ago. H. D.

The first volume of the *Papers of Admiral Lord Keith*, edited by Mr. W. G. Perrin for the Navy Records Society (1927), contains a fund of information on some of those minor operations of war which escape attention in the greater events of the fleets and armies in the major theatres. To a student of war these papers are most valuable and stimulating. They remind him that war does not merely consist in a series of great battles, and they draw attention to that chain of minor events, and the reasons for which they are undertaken, which are inevitable in wars such as those in which this country, with its scattered interests, has been involved. A short set of papers recalls the operations on the coast of Florida in 1778. These illustrate in particular the conduct of such expeditions, the relations that existed between the commanders and men of the two services. Both in this and in the papers dealing with the capture of Charleston and the expedition to the Cape of Good Hope, Mr. Perrin is able effectively to dispel the accusation that has been made against Keith that he was never happy in his relations with his military colleagues. The papers relating to the capture of Charleston show Mariot Arbuthnot in a far better light than he is represented generally. He appears as an able and energetic leader and a good colleague ; and the conduct of the whole expedition is marked by foresight and efficiency. The series of letters relating to the capture of the Cape of Good Hope in 1795-6 are of a particular interest ; and are preceded by an admirable introduction explaining the origins, motives, and manner of execution of that expedition. Its true purpose was not to embarrass the Dutch, or to conquer a new colony, but to ensure command at sea on the route to India, and thus secure the British interests in India. The dependence of Mauritius upon the supplies from the Cape had been an established factor in eastern strategy for over twenty years ; while St. Helena, the British port of call for homeward-bound Indiamen, was also dependent upon it. In the hands of France the Cape could feed Mauritius and starve St. Helena. 'What was a feather in the hands of Holland will become a sword in the hands of France', wrote Dundas. In refusing to consider its return when negotiations for peace were under consideration in 1796, its precise strategical status was defined by Lord Malmesbury. 'It was as a means of defence, not of offence, that these possessions (the Cape and Trincomali) would be insisted upon' ; and Pitt in the same sense remarks, 'In refusing to yield them up we only refuse to put into the hands of the enemy the means of carrying into effect the deep-laid schemes of ambition they have long cherished . . . of undermining our

Indian Empire and destroying our Indian commerce, in ceding out of our hands what may be deemed the bulwark of this country and the security of the Indian Empire.'

H. W. R.

As in volume i of the *Letters of the Earl of St. Vincent*, the editor, Mr. D. B. Smith, has contributed to volume ii (Navy Records Society, 1927) a long introduction (in this case of 81 pages) setting forth the political conditions of the years 1802-4 and their reactions on the tenure of the Admiralty by the Earl of St. Vincent. It is perhaps doubtful whether so much political description, most of which appears in the histories of the period, should come into the volumes of this society, especially when some of the statements are not wholly free from political bias. The editor is, however, fully justified in letting it be seen that the balance of naval opinion was opposed to Pitt's advocacy of gun-vessels for repelling the Boulogne flotilla. Most seamen supported St. Vincent in trusting to ships and frigates, though, it may be remarked, in a time of calm these might have been ineffective against a flotilla largely propelled by oars. In such weather conditions (admittedly exceptional) gun-vessels and gun-boats were highly desirable. Unfortunately, personalities so far intruded into this discussion as permanently to separate Pitt and St. Vincent; but the latter, always hot-tempered, and his supporters were not blameless. The editor is on safer ground in regard to dockyard maladministration, his survey of which is valuable. St. Vincent's letters on this topic reveal both his energy and his tendency towards extremes both in action and statement. During his short tour of inspection he pronounced Portsmouth bad, Plymouth so far worse as to require months of examination; but he styled Chatham 'a viler sink of corruption than my imagination ever formed'. These letters also show St. Vincent's reasons for crushing the combination between the Chatham and Sheerness caulkers and those in the merchant yards in the Thames. Lord Barham afterwards blamed him for extensive discharges of skilled artificers; but St. Vincent deemed them necessary to maintain discipline in the yards. Barham's later censures on his letting the supplies of timber dwindle seem to be ill founded; for St. Vincent in a time of great shortage strove to get supplies, even from the Adriatic. Other points of interest are the prevalence of discontent and disaffection in the dockyards, the beginning of construction at Bombay for the Royal Navy; also St. Vincent's conviction in May 1803 that Bonaparte's violent conduct left us no option between war and a slavish submission to his will. It may be questioned whether a reprint here of the 'Memoirs of the Administration of the Board of Admiralty under . . . St. Vincent' was advisable. Only one copy survives, viz. in the British Museum; for the Pitt administration suppressed these 'Memoirs', consisting mainly of a violent attack on Pitt and Lord Melville, parts of which can be rebutted from the evidence adduced at the Melville impeachment. To rescue from oblivion this lengthy diatribe may be desirable, but scarcely in this place apart from a critical examination. Its value consists solely in the appendices dealing with essentials of naval administration such as supplies and quality of dockyard timber, short lengths of cables supplied to dockyards, suggestions for improved financial administration, and lists of the distribution of the British and French fleets.

J. H. R.

M. Germain Martin's *Histoire économique et financière* (Paris: Plon-Nourrit, 1927), forming the tenth volume of the handsome quarto *Histoire de la nation française*, which appears under the general supervision of Gabriel Hanotaux, strikes a reviewer as perhaps hardly massive enough in learning or distinguished enough in presentation to deserve fully its place in that fine series. The early centuries are treated lightly: out of 645 pages no less than 170 pages are occupied with war and post-war economics and finance; and the Revolution occurs before p. 300. This was the plan, a good plan in itself. But the condensed narrative contains hardly a fact, illustration, or *aperçu* not already quite familiar to any one with a general knowledge of French economic history; and the style smacks of the age of mass production. Even for the nineteenth century there is little that is new in detail or individual in the correlation of facts. There cannot fail to be much matter of interest in an account of the post-war economics and finance of France from the pen of so competent an observer of events as M. Germain Martin; yet the really difficult questions are seldom illuminated. The treatment is rather that of the higher journalism than that of economics or of history. On his last page M. Martin tells us how 'il en résulte [i. e. from the workings of representative democracy] une sorte de médiocrité dans notre vie nationale'. One cannot help feeling that this alleged national defect has tainted his volume.

J. H. C.

Dr. G. H. Tupling's study of *The Economic History of Rossendale* (Manchester: University Press, 1927) is an industrious piece of local history written with a proper sense of what is valuable to the general economic historian. It does not, however, throw much direct light on the leading historical controversies, since the district selected is of an exceptional character. The medievalist will find a picture of forest administration, but little else to interest him. Waste land, thinly populated and unsuited to arable farming, does not produce manorial history. But by 1500 conditions prevail which suggest an evolution from manorialism. There are copyhold tenants holding according to the custom of the manor, and this custom is fully described. The origin of this custom is obscure. It looks as if special conditions had been evolved to suit the special circumstances, and a form of tenure adopted which could be applied to all tenants, whether they held land granted to them out of the forest, or had been forced to secure good title to land on which they had encroached, or had been attached to one of the outlying vills where tenure had been more various. Certain it is that copyholds were being granted on new lands in the sixteenth century as the best means of spreading cultivation over the waste and increasing the lord's revenue from rents. This portion of the story is left in darkness. The Stuarts naturally set their lawyers to work to make profit out of these Crown lands. The 'enclosure movement' in Rossendale took the form of a multiplication of holdings, and the only illegal encroachment was that of small men annexing waste. Squatters of this kind were not evicted; they were made to pay. The lawyers disputed the validity of recent copyholds, saying they were assart lands, and compelled the tenants to compound for recognition of their titles. This serves as an example of the legal theory of the time, but it would not be safe to argue that copyholders in general fared as did those of Rossendale.

There is a good account of the growth of a domestic woollen industry under the stimulus of expanding trade in the eighteenth century. The nucleus was the cottage workers served by chapmen and attending the market at Rochdale. The district then broke loose from Rochdale, established its own commercial centres, and was, in the early nineteenth century, manufacturing largely for the American market. T. H. M.

The original *Culloden Papers*, rescued from imminent destruction and edited by Major Duff in 1815, have long been recognized as an important source for the history of Scotland, especially in the eighteenth century. They include the letters and papers of John Forbes, fifth of Culloden, lord president of the court of session, the most attractive political figure of his day, to whom, more than to any other individual, it was due that Prince Charles Edward missed his destiny in Scotland. These papers were also drawn upon by Hill Burton for his *Lives of Lord Lovat and Duncan Forbes of Culloden*, and later writers have had access to the collections. If, therefore, those now published by Mr. D. Warrand, the great-grandson of the original editor, as *More Culloden Papers*, vol. i, 1625–1704 ; vol. ii, 1704–1725 (Inverness : Carruthers, 1923, 1925), are ‘on the whole of greater local than of general importance’, their value, as the historiographer royal points out in his introduction, is not depreciated by this admission. Their publication illustrates the tendency, apparent for some time in English historical studies, to turn to local records in order to appreciate more fully the effects of the policy of the central government. As, moreover, the fortunes of the Forbes family were bound up with Inverness, the capital, in a truer sense than now, of the Highlands, the local history which these fruitful gleanings illustrate is truly informative. How did the Covenant, the Bishops’ wars, the Commonwealth and Protectorate, the Revolution, the Union, and the first Jacobite rising work themselves out in local issues ? These are questions to which these papers afford an answer. The sufferings of Inverness, for example, during this period of turmoil are vividly revealed by statistics. The list of losses suffered by the burghesses as a result of Montrose’s campaign in 1645–6 measures 27 feet 2 inches and fills thirty-three pages of print. Mr. Evan Barron, the editor’s collaborator, shows how these family records sometimes serve to correct the national historians. Thus Pluscardine’s rising in 1649 accounts for the execution of the marquess of Huntly, inadequately attributed by Andrew Lang and others to mere bloodthirstiness on the part of the covenanters. During the Protectorate, when a fort was erected at Inverness at a cost of £80,000, the garrison, according to the Wardlaw MS., ‘not only civilized but enriched this place’. The incidence of taxation, to take another, and little known, aspect of administration, is shown by the detailed stent roll of 1671. The second volume affords many a glimpse behind the scenes of the Revolution, the Union, and the ‘Fifteen, and includes a full account, of some hundred pages, of the Malt Tax riots of 1725. For the religious, political, economic, and social history of the period which they cover, these volumes are invaluable. H. W. M.

There are problems in our parliamentary history which will not be solved until we have scores of monographs on local history such as

Mr. W. Albery's *Parliamentary History of the ancient Borough of Horsham, 1295-1885* (London: Longmans, 1927). The constituency with which he deals is not, however, one of the most interesting in pre-Reform days; Horsham was a burgrave borough, one of those which could be literally owned, and which therefore were under the absolute control of patrons, such as superficial historians (who find it easiest to collect or simply copy their 'information' from propaganda literature published in support of reform) assume for far too great a proportion of boroughs. There are few fine points to be obtained from a record of the very crude transactions in burgrave boroughs; even so, it is good to have a case of this kind carefully analysed and presented. One interesting and not uncommon incident can be noted even at Horsham. Robert Hurst, a barrister and a native of the borough, who had been instrumental in its capture for the duke of Norfolk, was in 1812 himself returned for it by its patron: one might off-hand name at least a dozen small, local borough managers who finished in parliament or founded parliamentary families. The Reform Act of 1832 destroyed the direct hold which the duke of Norfolk had on Horsham, but not the influence which his manager had obtained. His son, Robert Henry Hurst, sat for it 1832-41 and 1844-7, and his grandson, Robert Henry Hurst, jun., 1865-75. Another point of much wider interest which Mr. Albery's monograph well illustrates is that at a time when parties were already organized as regular teams in the house of commons, politics in such constituencies as Horsham still retained a strongly personal and local character. One wonders how it was that, say about 1850, the radicals formed a distinct group on the liberal side of the house, without having a proper separate party organization in the country; studies of various types of constituencies would supply the answer to this and kindred questions. We cannot go back to the type of local history represented, e.g. by Nichols, Hutchins, or Lipscomb, however much we may admire them; but works such as Mr. Albery's, conscientiously collecting and reproducing masses of original documents, would make worthy successors to them. One interesting document connected with Horsham which Mr. Albery has, however, overlooked (one can hardly assume that he considered it irrelevant to his subject) is a letter of 1763, published in the *Chatham Correspondence*, wherein Charles, ninth Viscount Irwin, the patron of Horsham, having succeeded to the peerage, requested Pitt (with whom, as it appears from the letter, he was not personally acquainted) 'that you will do me the honour to name some friend of yours to supply my place' [as member for Horsham]. Had Mr. Albery asked himself how Robert Pratt, the nephew of Lord Camden, and 'Jemmy' Grenville, Pitt's faithful adherent, came to sit for Horsham, he would have easily traced this correspondence, fit to relieve the perhaps excessively gloomy picture which he gives of Horsham's unreformed condition and the part it played at that time in parliamentary history.

L. B. N.

The Mechanism of the Modern State: a treatise on the science and art of Government (Oxford: Clarendon Press, 1927) is an expansion of Sir John A. R. Marriott's useful little text-book, *English Political Institutions*, first published in 1910: it describes the structure of the existing constitution of the United Kingdom with reference to historical origins and foreign

parallels and contrasts. The chapters on financial procedure and on the expansion of the civil service and its powers during and just after the war contain information not so readily accessible elsewhere, and the writer has collected a number of interesting quotations, but the book as a whole in no way supersedes the classical works of Lowell and Bryce, which are indeed of a different calibre. Readers should be on their guard against not infrequent inaccuracies, some of them rather curious: for instance, the famous maxim about democracies being unable to rule empires is here (i. 197) assigned to Pericles, of all people, instead of Cleon; while the Manchester school, stated (i. 302) to have been 'dominant in English politics' in 1841, is made responsible (according to the natural interpretation of i. 271) for Disraeli's unfortunate remark about 'those wretched colonies', and is in compensation credited (i. 305) with Lord Durham's report on Canada. It should be added that, while the later chapters seem to have been written in 1925, much of the earlier part has apparently lain untouched since 1920 or thereabouts: contemporary Italy and Russia are alike ignored; there is only one passing reference to the Irish Free State, and the chapter on Imperial co-operation stops with 1921.

J. R. M. B.

Dr. E. S. Griffith, in the first volume of his *The Modern Development of City Government in the United Kingdom and the United States* (London: Milford, 1927), sets out in considerable detail the history of the municipal evolution of both English and American cities and proceeds in his second to a no less thorough analysis of their political and economic functions and framework. Nor are the relevant 'philosophical factors' omitted, while twenty-five alphabetical appendices add a wealth of statistical information. But in spite or because of this elaborate apparatus of exposition the result is slightly disappointing. It is not merely that Dr. Griffith's style is undistinguished, but the work, in spite of much in it that is interesting and provocative, has the air of having been compiled as a rather stupendous degree dissertation. Although the scale is larger and the information given much fuller, his grip of the problems at stake does not appear to be as firm as that of, let us say, Mr. E. D. Simon in his *City Council from Within*. This is partly because the reader gets the impression, perhaps wrongly, that the writer is more familiar with printed materials, such as Government Reports or the *Proceedings of the Association of Municipal Corporations*, than he is with the activities of town administration at first hand. Otherwise, surely, he would have hesitated to commit himself to the assertion that 'in few British cities has an "Independent" much chance of election': as a matter of fact, not only are numerous 'Independents' chosen every November, but they very often find themselves holding the scales in the council chamber and exercising the determining influence. The objections raised to Grants in Aid are rather pedantic and, indeed, Dr. Griffith is himself quite ready to throw them over on occasion, for instance when the American police system is in question; he recognizes, moreover, that revolutionary changes in our rating system would be required before the total abolition of the system of percentage grants could be considered practicable. To assert that 'the experience of England should prove a warning against Grants in Aid' is

really slightly ridiculous. Nor is it convincing to base an elaborate argument against centralization on the highly questionable foundation of a supposed 'denial' in England 'of the efficacy of individual selfreliance'. Furthermore, any one with knowledge of borough councils in smallish towns will be inclined to dissent from Dr. Griffith's suggestion that there is among their members no such sign of any 'inferiority of education' as would put them 'in the stage where central control or encouragement is necessary', as compared with more enlightened councils in larger and more progressive areas: it is notorious that there is a real difference between the two types of authority, and Dr. Griffith's appendix of 'occupational statistics of Councillors' is unsatisfactory just because it gives no figures for towns of a population of, say, 30,000 to 50,000. But although the conclusions put forward in this book are sometimes unlikely to meet with general assent, there is a great deal that is valuable in it; in particular, for an English reader, the facts about American city government; and for these alone he should be grateful to Dr. Griffith. F. R. S.

The Darvishes, by John P. Brown (London: Milford, 1927), is a reprint of a treatise which appeared in 1868, by a secretary and dragoman of the United States legation at Constantinople. It was translated into Urdu with the title *Revelation of the Mysteries of the Shaikhs*, which was not inappropriate, as it contains information about the organization and ritual of the Mohammedan mystical orders, obtained by personal observation and inquiry, to which the learned world had not previously had access. Nor has the work been superseded by the copious literature about the orders which has since appeared, such as the treatises of Rinn, Le Chatelier, and Depont and Coppolani in French, and of Jacob and Thorning in German. It well deserved reprinting, and Mr. H. A. Rose has added greatly to its value by his historical introduction, notes, and index. The notes consist largely of biographical information about the persons mentioned in the text, corrections or modifications of its statements, and references to modern authorities on the matters with which it deals. A chapter which had been taken bodily from Lane's *Modern Egyptians* has been omitted on the ground that that classic is easily procurable. D. S. M.

Mr. W. G. Collingwood's *Northumbrian Crosses of the Pre-Norman Age* (London: Faber & Gwyer, 1927) is much the most important contribution made to the study of Anglo-Saxon decoration since Professor Baldwin Brown's great work; and its scope is really wider than its title. It is an attempt to classify all the northern stone-crosses and similar monuments closely related to them (such as 'hog-backs') into groups and families, and to trace their connexions and developments. Incidentally the author has to deal with pre-Conquest history and institutions; occasionally he seems a little too daring in his inferences from the survival of monuments to the existence of unrecorded 'abbeys', &c. But on the whole this work marks a definite step from amateur description to scientific formulation; and though some of its conclusions, such as the reduction of the antiquity of the Bewcastle and Ruthwell crosses by at least 100 years, will not be accepted without controversy, it will furnish many fresh starting-points for investigation. Mr. Collingwood is on safe lines when he traces the

development of the designs on the 'staff-roads', 'crossed slabs', 'free armed heads', crucifixes, 'free wheel heads', and so forth, through conventionalism into sheer meaninglessness. His main distinctions between the original native Anglo-Saxon schools persisting into the Norman period, even in spite of contamination by Danish and Norse ideas and patterns in Yorkshire and Cumberland, will probably be taken as established. Subsidiary arts generally lag behind. But he seems to start too abruptly with Acca's cross and the Hexham school of design. If the series is to begin with work of such surprising maturity, there must be something more than individual genius behind it; and this consideration may affect the dating of other important objects. There is perhaps some inconsistency about his ultimate judgements. Even the most famous series of crosses is to him only 'experimental and ingenious, sometimes pretty—fair amateurs' work as a whole' (p. 19); but it is also (p. 114) the work of 'a cultivated and prosperous period, in which the accumulated wealth and civilization of the seventh century was bearing fruit'. Apart from Mr. Collingwood's conclusions, his series of illustrations will be found invaluable. There are over 200 figures, many of them multiple; they consist of careful and minute drawings, in which missing parts are indicated by dotted lines; and wherever it is desirable and possible, all the faces of the crosses, whole or fragmentary, are presented. This course, indeed, represents not exactly 'facts' but the author's impressions as to the significance of details which are often decayed, damaged, and almost destroyed; but it is far more informative than photographic plates, since it records all that can be made out by a patient observer using different lights and angles. It may not be as effective artistically for the more important monuments; but it cannot be bettered for the scientific comparison of those which are less intelligible at first sight. It is to be hoped that similar collections may be produced for other groups; and that in these, as in any reprint of this fine volume, the one thing missing may be introduced, namely, some indication in each figure of the size of the original object. In any case, Mr. Collingwood has made a great step forward; and as he says, 'invention consists in applying known formulae to new uses.'

H. E. D. B.

The Rev. F. Harrison's *The Painted Glass of York* (London: Society for Promoting Christian Knowledge, 1927) is an excellent book considered as an inventory and description of the stained glass in the city of York, the minster and the parish churches of which 'possess nearly two hundred windows that contain mediaeval glass'. In regard to the minster the author has had special advantages in studying the glass in the last eight years, during which time the windows have been repaired and, as cathedral librarian, he has been closely associated with the work. At the end is a very useful catalogue of the windows throughout the city describing the subjects in every light. The illustrations are the least adequate part of the book, those in photography being small and dark, and it is disappointing not to find any new details of the especially interesting older glass in the cathedral, particularly of the twelfth-century Jesse light which is probably the most remarkable fragment in Great Britain. This was taken out from its remote position in the clerestory, to which it appears it has been banished again. The wonderful grisaille lights of the Five Sisters window

are also only represented by a reproduction from the long-published drawing of John Browne, although they seem to have been entirely 'releaded', that is, examined inch by inch in a way that they can hardly have been since they were made nearly eight hundred years ago. The important question of preservation or 'restoration' of ancient glass windows (which are historical documents as well as works of art) is discussed on p. 111. What is said may be quoted without comment in the hope that the reader will make up his own mind on the right side! It refers to the St. Cuthbert window.

When the restoration of 1887-8 was determined upon . . . advised a replacement of the panels in their original order. The work involved the removal of six panels foreign to the subject matter of the window which are preserved in the Lady Chapel, the manufacture of twelve new panels to take the place of these and six others which are so mutilated that it was advisable to replace them by new glass containing representations of the scenes that would otherwise have been missing. The policy justified itself. The new glass can be distinguished from the old, even with the naked eye, but it has caused hardly any break in the general effect. It was an interesting experiment, that has not, however, been repeated in the work that has been proceeding on the Minster glass since 1920. This process is mere 'preservation' of the old glass, and the windows are replaced exactly as they are taken out except for cleaning, filling up the holes with plain or coloured glass of the correct shade and releading. This method of preservation was approved in 1925 by experts on the treatment of old glass.

W. R. L.

The National Library of Wales, in collaboration with the University of Wales Press Board, has now issued the second volume of its *Calendar of Deeds and Documents*. In *The Crosswood Deeds* (Aberystwyth: 1927) the student of Welsh local history will find abundant material for tracing the fortunes of a North Cardiganshire estate during the three centuries following the dissolution of Strata Florida abbey, which contributed largely towards founding it. The property of the Vaughans of Trawscoed (now Crosswood)—who eventually attained to the Irish peerage of Lisburne—extended to the counties of Northumberland and Durham on the one hand, and Devon on the other, and the calendar throws some useful sidelights on Devon mines and Tweed fisheries. There are also features of more general interest. It is true that there is nothing here to compare with (say) the graphic picture of life during the Civil war period which we get from the recently calendared correspondence of the Wynns of Gwydir: this is almost purely a collection of land deeds, and the only light it throws on the Civil war is the negative evidence of a drop in the number of documents. But the economic and social historian will find much valuable material. One of the most striking features is the long survival in Cardiganshire of feudal dues and services and of the relics of Welsh tribal custom. Payments under the name of *gwestfa* (the duty of entertaining the prince) appear in 1673 and again in 1796; and although *Commorthas* were nominally abolished in Henry VIII's time, we repeatedly meet them here (once as late as 1823) in the form of triennial money dues. Right up to the beginning of the nineteenth century, again, lease after lease exacts from the tenant (in addition to money rent) such characteristically feudal obligations as '2 hens and 40 eggs at Shrovetide, 6 chickens at Whitsuntide, 2 geese at Christmas, suit at mill and a heriot of the second best beast'. Labour services, to be performed either personally or by proxy, last till

1772. Occasionally money is stipulated for in lieu of the food rents (e. g. '8s. in lieu of a hog at Candlemas', 1756), or—more rarely—of predial services (e. g. '7s. 6d. in lieu of duties', 1729); heriots, too, are frequently paid in sums of money ranging from 13s. to 40s. (the last instance—in 1793—is not noted in the index). References to the working of the rich mineral veins of North Cardiganshire become frequent at two periods: under the early Stuarts, when we find courtiers like Sir Francis Bacon obtaining mineral grants from the Crown; and again after 1750, when merchants from Bristol or London and experienced miners from Cornwall or Flintshire flock in to take leases of the ores on the Crosswood estate, at royalties ranging from the traditional 'seventh ton' of early days to the elaborate sliding scales of the nineteenth century. Mr. Francis Green, the editor, has calendared the documents with scholarly precision and clarity, and the value of the work to historians (as compared with the companion volume, *The Coleman Deeds*) has been greatly enhanced by the provision of copious indexes. Unfortunately many of the entries in the subject index are very incomplete; but errors are commendably few and trivial. A. H. D.

The publication of the new *Alumni Cantabrigienses* has greatly facilitated the study of Cambridge college records, and has also called attention to many problems of a biographical character which may be solved by recourse to those records. Dr. T. A. Walker, who rendered special assistance to the Venns in questions concerning early inmates of Peterhouse (before 1616), has sifted an immense amount of material to prepare his *Biographical Register of Peterhouse Men*, Part i, 1248–1574 (Cambridge: University Press, 1927). The most laborious part of his work must have been the examination of the Computus Rolls which begin in 1374, and of the Bakehouse and Buttery books which begin in 1542. These sources have helped him in his identifications and in settling many small points of chronology. His 'Register' is of course by no means complete; there is, for instance, no hope of constructing a complete list of scholars and sizars before 1542. But Dr. Walker has added materially to the catalogue of Peterhouse men. Two at least of the additional names are famous. He claims Hugh Latimer (p. 96) on the strength of Foxe's statement that Latimer was at one time the pupil of Dr. John Watson, who was a fellow of Peterhouse in the years 1501–16, and therefore during the whole of Latimer's undergraduate career. On similar evidence he claims the second earl of Pembroke, that notable patron of actors and poets, who is said to have been John Whitgift's pupil at Peterhouse (p. 222). These are, perhaps, his most debatable claims. But they remind us of the fact that Peterhouse, in the sixteenth century, was not entirely given over to theological controversy. The tutors of Peterhouse enjoyed a high reputation as teachers; and Dr. Walker goes so far as to suggest that the prosperity of Peterhouse in Elizabethan days was largely due to the tutorial labours of Whitgift in the years 1555–67. Some curiosities of this 'Register' may be noticed, as specimens of the harvest reaped by Dr. Walker. Among the 'perendinants' we find the future Cardinal Beaufort (p. 23) in 1388–9, and John Paston (p. 45) in or about 1440. We learn that the library still possesses three of the books bequeathed to it by Archbishop Whittlesea (p. 12) and the manuscript of the *Tabulae Astronomicae* of John Holbrooke, who was master

from 1421 to 1436 (p. 24). William Donthorn, best known as the Common Clerk of the city of London who compiled *Liber Dunthorn*, appears here as a fellow of Peterhouse (1455) and its chest-keeper (p. 47). We have the strange story of the secret marriage of John Edmunds, who was master 1523-44 (p. 120), and of the complaisances, in matters of religion, of Andrew Perne, who was master 1554-89, and all the more useful as a master, so Dr. Walker suggests, because of his singular tolerance of the most various shades of religious opinion (p. 177). Although the interests of most Peterhouse men of ability appear to have centred on theology or law, the college produced an eminent mathematician in Thomas Digges (p. 190); a physician of notoriety in William Butler¹ (p. 207); Thomas Nuce, one of the early translators of Seneca (p. 210); Abraham Fleming, that versatile scholar and book-maker, who translated the *Georgics* and edited Holinshed (p. 290).

H. W. C. D.

Mr. W. McMurray, who is clerk of the two little parishes of SS. Anne and Agnes and St. John Zachary, has done a valuable piece of work in this dignified volume, *The Records of two City Parishes* (London: Hunter and Longhurst, 1925). It is true that neither parish was populous nor contained important institutions, with the exception of Goldsmiths' Hall and the college of St. Martin le grand, which was extra-parochial. The author has had the happy thought of compiling the names of the principal residents, with their trades, from the thirteenth century to 1840. The localizing of trades in medieval London is well illustrated. Except for shops which dealt in the necessities of life, there is a striking predominance of goldsmiths and followers of kindred crafts. The copious extracts from the registers do not mention many people of interest, and no incumbents were of much importance save William Bingham of St. John Zachary, the founder of God's House at Cambridge in 1439, which was soon to be merged in King's College. The earlier history of the parishes is compiled from the copious printed records of London. Mr. McMurray is on new ground with abundant and well-chosen extracts from the parish books, which unhappily in neither case are very early. While the extracts are often entertaining and instructive, it is a pity that the administration of the parish is not made clear, as might have been done by an abstract of a year's account at an interval of perhaps fifty years. We should like to know whether, as seems likely, charities and rates were confused together, and how far the 'ancients' drew on the latter for their annual trips, with dinner, to Holloway, Tottenham, and other northern suburbs.

E. W. W.

¹ But this identification is not certain. See Venn, *Alumni*, i. 274.

Notices of Periodical Publications

THE following list covers the year 1927 with a few supplementary entries for past years. The arrangement follows the plan explained *ante*, xxxix. 483, xl. 477. We desire to express once more our thanks to the contributors whose generous assistance gives the work its value; the Spanish and Portuguese section is due to the kind help of Professor W. J. Entwistle and Senyor F. Soldevila. Our best thanks are again due to the authorities of the British Museum, Bodleian, and Cambridge University Libraries.

General History and European International Relations

Sir A. Stein, Alexander's campaign on the Indian north-west frontier. *Geographical Journal*, 1927.

F. Frahm, Caesar and Tacitus as sources for the old Germanic constitution. *Hist. Vierteljahrschr.*, vol. xxiv.

J. W. Jones, The early history of the Fiscus [including use of the word in later history]. *Law quarterly rev.*, vol. xliii.

P. Galtier, The actual edict of Pope Calixtus. [Tertullian in the *De pudicitia* was not thinking of an edict of Calixtus: Hippolytus gives a misleading impression of the edict, which was an offer of peace and pardon to heretics and schismatics.] *Rev. d'hist. ecclési.*, vol. xxiii. Reply to criticism of Harnack. *Ibid.*, vol. xxiv.

W. Koch, The attempt of Julian the Apostate to found a pagan church. *Rev. belge de philol. et d'hist.*, vol. vi.

J. Zeiller, Suggests that Pope Zosimus thought of making the bishop of Salona his vicar for western Illyricum. [In imitation of the vicars for eastern Illyricum and Gaul.] *Revue hist.*, vol. clv.

W. Völker, The policy of the papacy in the institution of papal vicars in the fifth century. *Zeitschr. f. Kirchengesch.*, vol. xlvi.

M. Bloch, The conquest of Roman Gaul by the Salian Franks. [The process must have been a long one, resembling that of Noricum by the Rugii. Clovis in overthrowing Syagrius completed the work of his father, Childeric.] *Rev. hist.*, vol. cliv.

L. Levillain, Urges that immunity under the Merovingians means exemption from dues and payments payable to the king. *Rev. hist. de droit français et étr.*, 4th ser., vol. vi.

E. Schulz, The *Clausula de Pippino*. [Argues in favour of its genuineness.] *Hist. Vierteljahrschr.*, vol. xxiv.

M. Baudot, Defends the genuineness of the *Clausula de unctione Pippini*. *Le moyen âge*, 2nd ser., vol. xxviii (xxxvii).

L. Levillain, On the authenticity of the *Clausula de unctione Pippini*. [The authenticity vindicated against the arguments of Max Buchner, Paderborn, 1926.] *Bibliothèque de l'École des Chartes*, vol. lxxxviii.

M. P. Deroux, The oblation of children and adults in the Benedictine order. [The oblation of children to the monastic life began to decay after the foundation of Cluny. At the end of the twelfth century retraction was allowed at age of discretion. Adult oblats undertook the manual labour of the monastery, but included also lay patrons, &c. They differed from conversi by not taking monastic vows.] *Rev. Mabillon*, vol. xvii.

P. Petot, 'Servile' homage, and the origins of the homage of vassalage. *Rev. hist. de droit français et étr.*, 4th ser., vol. vi.

E. Joranson, Urges that the 'protectorate' of Charlemagne over the Holy Places is not historic. *Amer. hist. rev.*, vol. xxxii.

G. Laehr, Discusses the genuineness of Pope Stephen V's letter to Svatopluk of Moravia, and the policy of the Curia to Methodius. *Neues Archiv*, xlvii.

A. Fliche, Urban II and the initiation of the First Crusade. [Moved by the progress of the Turks the pope planned a crusade, but was surprised by the rapid spread and size of the movement.] *Rev. d'hist. de l'église de France*, vol. xiii.

B. Altaner, The development of St. Dominic's conception of his Order. *Zeitsch. f. Kirchengesch.*, vol. xlvi.

J. G. van Dillen, The development of the giro-system in the banks of Genoa, Venice and Hamburg, general sketch. *Tijdschr. voor gesch.*, vol. xlii.

C. Johnson, Prints challenge of Lord Wells to Eustace de Renti (1384). *Speculum*, vol. ii.

A. Tihon, The provision of benefices for poor clergy by the papal court. [See *supra*, p. 137]. *Bull. de l'inst. hist. belge de Rome*, vols. v and vi.

H. Delehay, Collective letters of indulgence [chapter iv : list of letters of fourteenth century]. *Analecta Bollandiana*, vol. xlv.

H. G. Richardson, Cases concerning Englishmen in the medieval registers of the Parlement de Paris. *Trans. Roy. Hist. Soc.*, 4th ser. vol. x.

P. Aetischer, Italians (traders, bankers, politicians, travellers) in the records of the State Archives at Fribourg. *Zeitschr. f. Schweizer. Gesch.*, vol. vii.

A. Grunzweig, Prints two letters to Cosmo de' Medici from his agents at Bruges, 1458. *Rev. belge de philol. et d'hist.*, vol. vi.

J. Sanchis Sivera, D. Alfonso de Borja (Calixtus III). *Bol. de la Real Acad. de la Hist.*, vol. lxxxviii.

C. Roth, A diplomatic incident at the papal court, 1491. [Precedence of the Scottish envoy over the Neapolitan.] *Scott. hist. rev.*, vol. xxiv.

B. Garmelo, Relations of Spain and Italy during the Middle Ages and the Renaissance. *Ciudad de Dios*, vols. cxlvi-ix.

Mgr. A. H. L. Hensen, Prints selections from a rare German pamphlet on the entry of Pope Adrian VI into Rome and from the parts relating to his pontificate in *Statuta et Norae Reformationes Urbis Romae* (reprint of 1558). *Meded. van het Ned. Hist. Inst. te Rome*, vol. vii.

Duke of Alba, Correspondence of Charles V and the governor of Milan (1540-2). *Bol. de la Real Acad. de la Hist.*, vol. lxxxviii.

F. J. Weaver, Continues calendar of Anglo-French diplomatic relations, 1558-1603. *Bull. Inst. Hist. Research.*, vol. v.

G. J. Hoogewerff, The Dutch community in Leghorn and its church and cemetery (c. 1600-1773), with list of twenty-nine epitaphs. The toleration of this Protestant settlement dates from the time of the virtual foundation of the post by Ferdinand I of Tuscany; its history throws light on the development of Dutch Mediterranean trade. *Meded. van het Ned. Hist. Inst. te Rome*, vol. vii.

W. C. Ford, Prints [list of] French edicts on America, 1629-1789. *Massachusetts Hist. Soc. Proc.*, vol. lx.

H. Sée, The share of the Puritans and the Jews in the creation of modern capitalism. *Rev. hist.*, vol. clv.

J. E. Elias, Continues his studies of Dutch naval history to the battle off Nieupoort, 12 and 13 June 1653. *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. v.

P. Geyl, The princess royal, widow of William II of Orange, and Anglo-Dutch relations. [In continuation of the articles on the Stuart and Orange families contributed by the author to Dutch and English periodicals.] *De Gids*, vol. xci.

E. Laloy, Prints account by Tourville of the French expedition to Sicily in 1675. *Rev. hist.* vol. cliv.

J. Z. Kannegieter, The complicity of Amsterdam in the expeditions of Argyle and Monmouth. From new materials in the Amsterdam archives it appears that the exculpatory memorandum of the burgomasters misrepresents the facts of the departure of the *Helderberg*, and that there was some degree of connivance at the preparations. *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. v.

Florence E. Dyer, Prints extracts from the journal of Captain John Strong, privateer and treasure-hunter, 1689-91 (Brit. Mus. Sloane MS. 3295). *Mariner's mirror*, vol. xiii.

J. Z. Kannegieter, Prints documents from the papers of Joannes Hudde in the Amsterdam archives, relating to the attitude of the city to the peace of Ryswick. *Bijdr. en med. van het Hist. Gen.*, vol. xlviii.

H. Mercier, A Swiss attempt at mediation between France and Austria in the war of the Spanish Succession, 1709-10. *Zeitschr. f. Schweizer. Gesch.*, vol. vii.

W. T. Morgan, The help given by the North American colonists against Canada and Acadia in the war of the Spanish Succession. *Trans. Roy. Hist. Soc.*, 4th ser., vol. x.

E. E. Rovillain, Shows, from the Shelburne papers in the possession of Mr. W. C. Clements of Ann Arbor, Michigan, the English diplomatic support of the democratic party of Geneva in their rising against the Francophil oligarchy, 1766-7. *Zeitschr. f. Schweizer. Gesch.*, vol. vii.

M. Strich, Prints report (1778) on Prussia from Marquess of Rosignano to king of Sardinia. *Forschungen zur Brandenburg. u. Preuss. Gesch.*, vol. xxxix.

F. C. Shattuck, Prints extracts from William Cheever's diary, 1775-6. [Siege of Boston.] *Massachusetts Hist. Soc. Proc.*, vol. lx.

H. Murdock, Prints letter from Rev. William Gordon to Samuel Wilson, Jamaica Plain, April-May, 1776. [Evacuation of Boston.] *ibid.*

P. Doyon, Continues account of the partition of Poland in 1792 as seen by the French minister Descorches. *Rev. d'hist. diplomatique*, vol. xli.

E. Fraser, Prints extracts from the journal of Commander Thomas Colby, R.N., 1797-1815. *Mariner's mirror*, vol. xiii.

A. Auzoux, The attempts of Napoleon to relieve the French army in Egypt, 1799-1801. *Rev. hist.*, vol. cliv.

P. Marmottan, Joseph Bonaparte as French plenipotentiary in the negotiations at Lunéville and Amiens (1801, 1802). *Rev. d'hist. diplomatique*, vol. xli.

H. Butterfield, General Andréossy as French minister at Vienna, 1806-7. *Cambridge Hist. Journ.*, vol. ii.

N. Cortese, The Neapolitan troops in the service of Napoleon. [Spain, Russia, and Germany.] *Archivio stor. per le province napol.*, new ser., vol. xii.

G. Ritter, The Freiherr vom Stein and the programme of reform of the Ancien Régime in France. *Hist. Zeitschr.*, vol. cxxvii.

G. Bonfiglioli, Life of Rubino Ventura, soldier of fortune in the service of Persia and Ranjit Singh (1795-1859). *Nuova rivista storica*, vol. xi.

A. Pingaud, The reports of Lamartine as chargé d'affaires at Florence, 1826-8. [Vivid accounts of men and opinions.] *Rev. d'hist. diplomatique*, vol. vli.

A. Winkler, Urges (partly against Srbik) the traditional and passive character of Metternich's Swiss policy. *Zeitschr. f. Schweizer. Gesch.*, vol. vii.

V. Boutenko, The schemes of Napoleon III for a Franco-Russian entente in 1856. [Failed, as Napoleon was playing a double game, and was unable to dispense with English friendship. Based on diplomatic material in the archives of the former Russian ministry of foreign affairs.] *Rev. hist.*, vol. clv.

P. Silva, Napoleon III's Italian policy. [His aim was a federation, both in view of French interests and of Italian particularism, of which he was convinced.] *Nuova rivista storica*, vol. xi.

A. Pingaud, The schemes of Napoleon III for an Italian confederation. *Rev. hist.*, vol. clv.

A. Pingaud, The foreign policy of Napoleon III. *Ibid.*, vol. clvi.

A. Sellew Roberts, The Federal government and Confederate cotton. *Amer. hist. rev.*, vol. xxxii.

P. R. Frothingham, Memoir of William Wallace Crapo. [Contains reference to part played by this Massachusetts lawyer in history of Alabama claims.] *Massachusetts Hist. Soc. Proc.*, vol. lx, 1926-7.

P. Battifol, Letters of Mgr. Devoucoux, bishop of Evreux, during the Vatican Council, 1869-70. *Rev. d'hist. de l'église de France*, vol. xiii.

Count E. Corte alle Catene, Bismarck and Italy at the Congress of Berlin, 1878. [Based on the hitherto unpublished papers of Count Luigi Corte, the Italian representative at the Congress; prints large extracts.] *Hist. Vierteljahrschr.*, vol. xxiii.

R. W. Seton-Watson, Prints selections from the archives of the former Russian Embassy in London relating to the Eastern question, August 1877 to January 1878 [see *ante*, xlii. 480]. *Slavonic rev.*, vol. vi.

W. N. Medlicott, Prints memorandum of Kálnoky, 1 January 1888, on Austria-Hungary and the war danger of 1887. *Ibid.*

A. Popov, The Anglo-Russian agreement on the partition of China, 1899. [Utilizes

documents from the archives of the former Russian ministry for foreign affairs.] *Krasniy arkhiv.*, vol. xxv.

W. N. Medlicott, Lord Salisbury and Turkey. *History*, xii.

R. J. Kerner, The mission of Liman von Sanders [to Constantinople]. *Slavonic Rev.* vol. vi.

V. Popović, The principle of nationality in modern history. *Godišnjica Nikole Čupića*, vol. xxxvi.

J. W. Headlam-Morley, Treaties of guarantee. *Cambridge Hist. Journ.*, vol. ii.

A. Rein, The significance of overseas expansion for European international relations. *Hist. Zeitschr.*, vol. cxxxvii.

K. Wortmann, Ottokar Czernin (Austro-Hungarian Minister of Foreign Affairs) and the Western Powers in the World War. [A review of his book, 'Im Weltkriege', 1919.] *Hist. Vierteljahrsschr.*, vol. xxiv.

L. Pereira de Andrade, Scientific explorations in India (1500-78). *O Instituto* (Coimbra), vol. lxxiv.

K. H. Panhorst, Nikolaus Federmann and the discovery of New Granada. *Iberica* (Hamburg), vol. vii.

E. A. Voretzsch, P. Luis Frois' History of Japan. [Comment on the German translation *Die Geschichte Japans (1549-78) von P. Luis Frois, S.J.*, by Schurhammer and Voretzsch. Leipzig, 1926]. *Lusitania*, vol. x.

Miller Christy, William Haukeridge and his voyage in search of a North-West passage in 1625. *Mariner's mirror*, vol. xiii.

W. J. Entwistle, The Jesuit P. Godinho's voyage from Bombay via Basra and Scanderoon to Portugal in 1663. *Bull. of Spanish Studies*, vol. iv.

T. Morison, François Bernier in India. *Rev. hist.*, vol. clvi.

D. de Bruyne, The oldest catalogue of relics at Oviedo. *Analecta Bollandiana*, vol. xlv.

H. Delehaye, Hagiography and archaeology: The sanctuary of the Apostles on the Appian Way. [Discusses, in the light of recent works, the view that the bodies of St. Peter and St. Paul were at one time translated to the site of the basilica of St. Sebastian without the walls.] *Ibid.*

C. Brunel, A life of St. Margaret in Provençal verse. *Annales du Midi*, vol. xxxviii.

M. Coens, Notes on the legend of St. Hubert. *Analecta Bollandiana*, vol. xlv.

L. de Lacger, The legend and cult of St. Vincent of Saragossa. *Rev. d'hist. de l'Église de France*, vol. xiii.

L. Levillain, The legend of St. Trophimus of Arles. [Is not St. Serapion of Alexandria.] *Ibid.*

J. Duhr, The *De fide* of Bachiarius [was written at Rome 383-4]. *Rev. d'hist. ecclési.*, vol. xxiv.

D. de Bruyne, Notes on St. Augustine's letters. *Ibid.*, vol. xxiii.

W. R. Halliday, The *Sunday Epistle* and the Letter of Pope Leo. *Speculum*, vol. ii.

P. Battifol, The liturgy of the consecration of bishops in its historical development. *Rev. d'hist. ecclési.*, vol. xxiii, 4.

W. Goetz, The influence of St. Francis of Assisi on the development of the religious life in the Middle Ages. *Archiv f. Kulturgesch.*, vol. xvii.

C. Thouzellier, The *De Periculis* of William de St. Amour (1255). [For the seculars and universities against the mendicants.] *Rev. hist.*, vol. clvi.

D. de Man, Allusions to Meister Eckhart in manuscripts formerly belonging to the Minoreesses of Weesp. *Ned. archief voor kerkgesch.*, new ser., vol. xx.

D. de Man, An unknown Middle-Dutch translation of Johann Tauler's sermons in a manuscript of c. 1500 (I G 28 in the Municipal University Library at Amsterdam). Prints text of one sermon which corresponds with part of no. 73 in Vetter's edition. *Ibid.*

D. de Man, A supposed treatise by Salome Sticken (MS. I F 29 of the Municipal University of Amsterdam), which is in fact a Middle Dutch translation of the *Speculum Monachorum* of Arnulf de Boeriis. *Ibid.*

M. van Rhijn, The influence of Wessel Gansfort. [Survey of recent investigations which add to what was known of its extent.] *Ibid.*

M. van Rhijn, Wessel Gansfort's doctrine of the Holy Communion in relation to the previous development of dogma in the Middle Ages. *Ibid.*

L. Thorndyke, Five Renaissance moralists, Gregorius Crispus, Bartholomew Fazio,

John Nesius, Niccolò da Foligno, Oliver of Siena. [Much conservatism in outlook.] *Romanic rev.*, vol. xviii.

Martí de Barcelona, Fr. Pere Tomàs, doctor strenuus et invincibilis. *Estudis Franciscans* (1927).

F. X. Mathias, Five Christmas carols from the collection of the Minoresses of Alspach. *Arch. für elsäss. Kirchengesch.*, vol. ii.

I. Pusino, The influence of Pico on Erasmus. *Zeitschr. f. Kirchengesch.*, vol. xlv.

E. Stern, Juan de Valdés and his *Diálogo de doctrina cristiana* and other works. [The *Trattato . . . del beneficio di Giesu Christo crucifisso* was written by a monk of a Benedictine monastery on Etna, Don Benedetto da Mantova.] *Bull. de la Soc. de l'hist. du Protestantisme français*, vol. lxxvi.

A. Renaudet. On the divergences between Juan de Valdés' *Diálogo de doctrina cristiana* (recently published in facsimile by M. Bataillon) and Erasmus. *Bull. hispan.*, vol. xxix.

J. D. M. Cornelissen, The negotiations of the Propaganda with Thomas Erpenius of Leyden, and other incidents relating to the translation of the Bible into Arabic. *Meded. van het Ned. Hist. Inst. te Rome*, vol. vii.

A. Eckhof, David Flud van Giffen, *predikant* and collector of manuscripts, 1653–1701. *Tijdschr. voor gesch.*, vol. xlii.

L. Knappert, The visits of the *predikanten* Sytse Roorda van Eysinga and Jozef Kam to the eastern portion of the Dutch Indies in 1821–5. *Ned. archief voor kerkgesch.*, new ser., vol. xx.

G. H. Gerould, The political motives of Geoffrey of Monmouth's exploitation of the Arthurian legends. *Speculum*, vol. ii.

H. E. Egerton Swann, The politics of Dante as seen in the *Divine Comedy*. [He does not refer to the *Monarchia*.] *Church quarterly rev.*, vol. cv.

D. Bigongiari, Emendations to the current text of Dante's *Monarchia*. *Speculum*, vol. ii.

A. Norsa, Machiavelli's philosophy of history. [Cyclic. He was bent on reviving the spirit of antiquity.] *Nuova rivista storica*, vol. xi.

M. E. Sandbach-Marshall, Herder's contribution to nineteenth-century thought. *Church quarterly rev.*, vols. ciii, civ.

C. J. H. Hayes, Contributions of Herder to the doctrine of nationalism. *Amer. hist. rev.*, vol. xxxii.

F. Meinecke, Causalities and values in history. *Hist. Zeitschr.*, vol. cxxxvii.

E. Tobac, The critical edition of the Vulgate. *Rev. d'hist. ecclési.*, vol. xxiii.

E. K. Rand, The ancestry and growth of medieval abbreviations. *Speculum*, vol. iii.

— The symbols for abbreviations for *-tur*. *Ibid*.

L. Schiaparelli, The origin of the Roman 'curial' hand. [At least seventh century, and probably at Rome. Reached a new stage under Adrian I.] *Archivio stor. ital.*, 7th ser., vol. vi (lxxxiv).

H. M. Martin, The latinity of Merovingian *diplomata*. *Speculum*, vol. ii.

H. Zatschek, The use of the *Formulae Marculfi* and similar collections in private documents from the eighth to the tenth century. *Mitteil. d. österreich. Inst. f. Geschichtsforsch.*, vol. xlii.

H. Sproemberg, The connection of Marculf with the Frankish royal chancery. *Neues Archiv*, vol. xlvii.

P. Lehmann, Continues studies on Fulda MSS. *Sitzungsberichte d. bayer. Akad. d. Wissensch., phil. u. hist. Kl.*, 1927.

H. Hirsch, The *Codex Udalrici* has some features of a semi-official collection of *Acta Imperii*, due to the close connexion of the bishopric of Bamberg with the imperial chancery. *Mitteil. d. österreich. Inst. f. Geschichtsforsch.*, vol. xlii.

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CORRIGENDA FOR THE APRIL NUMBER

p. 263. The reviewer of the *Calendar of Venetian State Papers*, to avoid misapprehension, wishes to say that he meant that the identification of Bosville is a more difficult task for the student using the *Calendar*, and did not intend to imply that the editor had been unable to identify him.

p. 286, last four lines. Correspondents have kindly pointed out that the text of the Life of Gregory the Great, written by a monk of Whitby in the early years of the eighth century, to the value of which Dr. Paul Ewald was the first to draw attention in a dissertation published in 1886, was printed in full in 1904 from the manuscript in the library of the monastery of St. Gall, with an introduction by the Right Rev. Dom (now H.E. Cardinal) Gasquet. We are glad to direct our readers to this edition.

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EDITED BY •

C. W. PREVITÉ-ORTON, M.A.,

FELLOW AND LIBRARIAN OF ST. JOHN'S COLLEGE, CAMBRIDGE.

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THE ENGLISH HISTORICAL REVIEW

NO. CLXXII.—OCTOBER 1928 *

Papal Provision and Royal Rights of Patronage in the Early Fourteenth Century

IN his introduction to the *Lettres Communes* for John XXII¹ Monsieur Mollat has described the machinery of papal provisions and the extension of the decrees making a general reservation of certain benefices to the papacy, but he has said little in detail of the application of these laws in England, or indeed elsewhere. There is room therefore for further inquiry; indeed it reveals the significance of several apparently unimportant clauses in the decrees themselves. Here it is proposed to examine the effect of these decrees in England in the early fourteenth century, more especially of those extensions which were made by Pope John XXII, and secondly the means which were adopted in order to counteract the increasing papal intervention in the collation of benefices.

The pope intervened in two ways. In the first place there were direct collations, that is provisions to specific benefices named in the bull, and secondly there were grants conferring the expectation of a benefice in the gift of a particular church or religious house. The latter call for little comment. They were exceedingly numerous in John XXII's time, but after the first year of his pontificate few were given to aliens. Many were bestowed on university students and teachers, a proof of John XXII's genuine interest in learning; others went to the kinsmen, friends, and servants of those who had business at the papal court; but most of them were given to the king's clerks. Their number depended on the political relations between England and Avignon, and they were more frequent whenever, as in 1320, the king sent an important embassy to the pope requesting his support. They were the sops

¹ Mollat, *La Collation des bénéfices ecclésiastiques à l'époque des Papes d'Avignon*, Paris, 1921.

thrown to the king in order to encourage him to shape his policy in accordance with John XXII's desires for the maintenance of peace in Western Europe, and also a reward for the occasional payments of the census which were made at this time. It was after 1327, when Isabella, the 'angel of peace',¹ had taken the place of the misguided Edward II, and during the early years of Edward III's own rule, when king and pope both needed each other's support, that these expectative grants became so exceptionally numerous.²

Papal servants were more adequately provided for by direct collations, and of these they secured the largest share. In the time of John XXII almost all such provisions were made by virtue of general reservations, that is they were collations to benefices which were technically vacant *apud curiam*. Special reservations, which John XXII used so freely in order to secure the control of episcopal appointments, were seldom resorted to in the case of minor benefices. This strict legality of the papal collations perhaps needs emphasis, for it is an aspect which was completely ignored by contemporary English chroniclers, and it is not very patent in the *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*. Often no indication is given of the fact that the death or resignation, &c., of the last incumbent took place *apud Sedem Apostolicam*, and other phrases explaining that a particular benefice was at the pope's disposal *ex praevia generali reservatione* have been omitted.³ The grounds of the papal claims can, however, be found if necessary by turning to the corresponding entries in the published *Lettres Communes*, which now cover John XXII's pontificate down to the year 1330. The fact that many of the richest English benefices went to aliens is not altered. Benefices would naturally go to those who would be among the first to hear of the vacancies and who had easy access to the papal court. Neither did the pope relinquish his theoretical right to provide to any and every benefice, but by relying in practice on stricter, narrower claims he placed himself on firmer ground. He no longer had to resort to moral persuasions, to requests which were veiled commands, to theological arguments. Once the pope had drawn up the rules governing the reservation of benefices, the system worked more or less automatically. He could rest assured that others would take care of his rights, for his legal claims would be recognized and advanced by all who hoped thereby to secure preferment. Edward II and Edward III,

¹ *Papal Letters (Cal. of Entries in the Pap. Registers, ed. Bliss, &c.), ii. 468.*

² According to the papal registers, the figures for the following years are: 1316-17, 168; 1317-18, 18; 1318-19, 10; 1319-20, 36; 1321-2, 11; 1327-8, 52; 1330-1, 95.

³ e.g. the provision to John Corbelli, *Cal. of Pap. Let.*, ii. 173; cf. Mollat, *Lettres Communes* 7465.

though it is true they were not always successful, were not behind-hand in petitioning the pope to bestow on their nominees certain benefices which fell under the general reservations.¹ Indeed in one letter Edward II brings to John XXII's notice a reserved benefice which had been so long vacant that he feels sure it must have slipped the pope's memory.² It was thus natural that the Avignon popes should extend the scope of these decrees, and the astute, legally minded John XXII made some important changes to which little attention has been paid.

The first general reservation was decreed by Clement IV in 1265 when he reserved to the papacy the benefices of all who died at the Holy See. By the time of John XXII such decrees covered the benefices of all who died at the papal court or within two days' journey of it, those of all cardinals, nuncios, papal chaplains, and the chief officials of the curia, and those which were vacated by an act of resignation or exchange made at the Holy See, or vacated by prelates who received consecration or benediction there.³ Not satisfied with this, in 1316 the newly created pope, 'adhering', as he says, 'to the steps of his predecessors, but some things withdrawing, some declaring, and some adding,' issued the decree *Ex debito*.⁴ The additions are easily seen, while John XXII's legal bent is characteristically shown in the clearer definition of terms. The benefices of lesser clerks, the *scriptores*, *correctores*, *abbreviatores*, &c., were now included, and the phrase *vacantes in curia* was declared to cover benefices void in consequence of death, deprivation, resignation, the breaking of an election, the rejection of a postulation, translation, consecration, benediction, or the provision by the pope of another benefice. He also made it clear that in future the reservation was to apply to the benefices vacated by all prelates appointed by the pope, no matter where or by whom the gift of consecration or benediction was bestowed.⁵ John XXII further extended his claims by abolishing certain exceptions conceded by his predecessors. Perhaps this is what he refers to when he speaks of 'some things withdrawing'. The decree *Ex debito* reserves benefices vacant in the time of Clement V and not yet disposed of, and the *non-obstante* clause at the end,

¹ e. g. Edward II petitioned for a benefice resigned at the papal court by Guichard d'Albret, a Gascon, on his marriage, and also for benefices vacated by a bishop appointed by the pope, but who went to Avignon neither for promotion nor consecration. Rymer, *Fœdera* (Rec. Com.), ii, pt. i, pp. 392, 469.

² *Ibid.* p. 502.

³ *Corpus Iuris Canonici*, In Sexto, iii, tit. iv, cc. 2 and 34; Extravag. Comm. iii, tit. ii, c. 3; Mollat, *La Collation des bénéfices ecclésiastiques à l'époque des Papes d'Avignon*, pp. 10 ff.

⁴ *Corpus Iuris Canonici*, Extravag. Comm. i, tit. iii, c. 4.

⁵ The clause referred to reserves benefices vacant 'per successionem [sic] muneris consecrationis aut benedictionis dudum a dicto Clemente predecessore nostro promotis impensi, nisi de ipsis disposuerit, et a nobis sive auctoritate nostra promovendis impendendi apud sedem ipsam vel etiam ubicunque aut quovis alio modo'.

nullifying all restrictions contrary to this decree, mentions particularly the decrees of Gregory X and Boniface VIII. Obviously John XXII had in mind the decrees *Statutum* and *Si Apostolica*. To obviate the evil of long vacancies Gregory X, by the former of these, allowed the ordinary collators to fill reserved benefices not disposed of within a month of their voidance. In the latter decree Boniface VIII gave similar permission for benefices with cure of souls which had not been filled when the pope died or which fell vacant when the papacy itself was void.¹ The change made here and the preceding extension have not been hitherto pointed out, but they were of far greater consequence than the addition of the benefices of minor officials. The former meant that a reserved benefice remained legally vacant until it was filled by the pope, however long that might be, a sufficient proof of the empty formalism of the preamble to the bull, where the pope's desire to prevent long vacancies is alleged as the motive for the reservation of benefices.

It is not difficult to trace the effect of these innovations in the papal registers. From the beginning of John XXII's pontificate collations made to benefices vacated by bishops far outnumber those to benefices which were in any other way covered by a general reservation. Whereas Clement V in the eight years of his pontificate made six collations of this kind to English benefices, John XXII in the same number of years made twenty-four, and by the end of his pontificate the number had reached seventy-one. This was not the result of the greater control exercised by him over episcopal appointments alone, but the fruits of the recent changes described above. In the time of Clement V the pope only filled the benefices vacated by bishops whom he had appointed if, in addition, they received consecration at the Holy See. Thus the fact that Walter Reynolds was consecrated in England explains why there were no papal provisions to the benefices vacated by him on his promotion to the see of Worcester.² Royal officials, to whom many of the bishoprics were given, were too busily engaged in the work of the chancery, the wardrobe, or some other branch of the royal administration to be spared, and at the king's request were sometimes excused from going to Avignon.³ John XXII, by making it immaterial, as far as the reservation of benefices was concerned, where or by whom the consecration was bestowed, provided against the results of such concessions.

¹ *Corpus Iuris Canonici*, In Sexto, iii, tit. iv, cc. 3 and 35.

² There are no records of the actual institutions, but John Sandale succeeded Reynolds in the church of Wimbledon, which was in the gift of the abbot and convent of Westminster, and Gilbert de Middleton in the prebend of Wildland, St. Paul's: *Cal. of Pap. Let.* ii. 120; Hennesey, *Novum Repertorium*, p. 54. We may conclude they were presented by the normal patrons.

³ e.g. Edward II's letter on behalf of Northburgh, treasurer of the wardrobe: Rymer, ii, pt. i, p. 469; *Cal. of Pap. Let.*, ii. 448.

Though quite half the bishops promoted by him were consecrated in England, the benefices of none escaped him. Thus it was the pope who filled the benefices vacated by Beaumont, Asser, Northburgh, Burghersh, Ayreminne, Berkeley, Wyville, and Bury, none of whom received their episcopal orders at Avignon.¹ The fact that the bishop was appointed by the pope was enough. He might even be absent from the papal court at the time of his appointment, but the rule about the reservation of his benefices still held good. This was not at first realized by every one in England. People naturally did not hasten to discover laws contrary to their own interests. Northburgh was appointed to the see of Coventry and Lichfield on 14 December 1321, and not long after several clerks who held the expectation of a prebend at Beverley hastened to put in their claim for the stall of St. Andrew's there vacant 'per collationem Coventrensis et Lichfeldensis Episcopatus Reverendo viro Domino Rogero de Northburgh per summum pontificem factam extra Romanam curiam'. They were somewhat premature, for the benefice was not necessarily void until the bishop's consecration,² and that did not take place until 27 June. They evidently hoped, however, that, as Northburgh did not receive his letters of appointment at Avignon, their own rights could not be superseded by a direct papal collation, and on 10 July the proctor of Thomas de Weston, one of the claimants, was inducted. He was soon undeceived as to his right. Three days before, the pope had granted the benefice to Master Benedict de Paston,³ and in September his letters of provision were successfully executed. Weston had to give up the prebend to him and to pay back to the chapter the profits he had received in the meantime.⁴

The other important modification was calculated with just the same nicety to prevent benefices from escaping the network of papal control. Their number was too great for the pope and his representatives to be able to track down all the rights of collation which accrued to him. Quite probably it was only when some one arrived with a petition for a particular benefice that the pope heard of his right to dispose of it. To imagine that in every case a petition would be speedily put forward by some benefice-hunting clerk presupposes not only easy access to the papal court but also a widespread knowledge of the precise terms of the decrees. Besides, there were instances when the fact which occasioned the reservation of a certain benefice was not generally known. Bishop Orleton, a skilled canonist, who moreover had been present at the

¹ Stubbs, *Registrum Sacrum Anglicanum*, pp. 72-4; *Cal. of Pap. Let.* ii. 401, 215, 281, 218, 222, 224, 238, 237, 247, 258, 259, 319, 326, 401-3.

² *Corpus Iuris Canonici*, i, tit. vi, c. 7.

³ *Cal. of Pap. Let.*, ii. 222.

⁴ *Memorials of Beverley Minster: the Chapter Act Book* (Surtees Soc.), i. 399-400; ii. 11-12, 14, 19.

papal court when the decree *Ex debito* was read out, admitted Adam Murimuth in all good faith to the deanery of Hereford in 1320. It was nearly a year later before he heard that the late dean, John de Egeblanke (J. de Aquablanca), held the title of papal chaplain, for, it was asserted, this was unknown to most people in the diocese. Hence, though John did not die at Avignon, the benefice was said to be reserved, and Murimuth had to resign.¹ Owing to such difficulties the right to dispose of many reserved benefices might have reverted to the ordinary collators, had not John XXII nullified those decrees of Gregory X and Boniface VIII. As it was, few if any failed to come into the pope's hands eventually. There are plenty of examples of the effect of this new claim which denied that any lapse of time could avail against the pope's rights of collation. The disposal of the benefices vacated by William de Ayreminne, bishop of Norwich, who was consecrated in September 1325, spreads over six years. Four of them were filled within a month, but three others were not filled until 1327, and one remained legally vacant until 1331.² Nor is this an exceptional instance. It can be paralleled in the case of other bishops, and there might also be a considerable interval before the benefices of cardinals even, or of those who died at the Holy See, were filled. For example, there is the provision to Guillaume de Cosnac (de Casnaco) in February 1330 of the rectory of Boxley, vacated by Vital du Four, cardinal-bishop of Albano, who died in 1327 ;³ while there is just over six months between the date of the provision of a prebend at Exeter to Adam Muri-muth, junior, and the date on which that benefice fell void by the death of John of Gergeaux (J. Albini de Jargolio), who had been sent to Avignon by Queen Isabella to oppose Hethe's election to Rochester.

The decree *Ex debito* was also retrospective, but John XXII's claim to fill reserved benefices, even those with a cure of souls, which had not been disposed of by his predecessor or which had fallen vacant when the papacy itself was void, did not have important results as far as numbers were concerned. The right was, however, successfully asserted in the provision of the deanery of St. Paul's to Vital de la Teste (de Testa) in 1316, the benefice being regarded as vacant since the death of Arnaud de Canteloup, cardinal of St. Marcellus, in 1313,⁴ and this innovation was continued by Benedict XII.⁵

To the provisions made by virtue of *Ex debito* must be added

¹ *Reg. Orleton* (Cant. and York Soc.), pp. 130, 186-7. The pope did not fill the benefice until 1323, when it was given at the king's request to Master Stephen Ledebury: *Cal. of Pap. Let.*, ii. 234.

² *Cal. of Pap. Let.*, ii. 245, 247, 259, 281, 324, 327.

³ *Ibid.* p. 371; Eubel, *Hierarchia Catholica*, i. 34.

⁴ *Cal. of Pap. Let.*, ii. 124; Hennessey, *op. cit.*, p. 4.

⁵ *Cal. of Pap. Let.*, ii. 518.

those which followed from the execution of the bull *Execrabilis*. John XXII made not less than eighty provisions to benefices which pluralists had been forced by that decree to disgorge.¹ Since the terms of the main part of the bull decided the number of benefices which had to be resigned and which were accordingly reserved to the pope, it is not irrelevant here to point out exactly what was decreed. John XXII did not, as is usually stated, attempt to limit the number of sinecure benefices which could be held by one person. *Execrabilis* quite definitely refers only to those benefices for which a papal dispensation was necessary. That is to say, like previous decrees on the subject, it deals with pluralists who held two or more benefices which either had cure of souls, or which, whether they had cure of souls or not, were dignities or parsonages,² for, as a letter of Gregory IX declares, 'idem de personatibus quod et de beneficiis curam habentibus iudicium sic habendum'.³ It is of such benefices that the decree speaks when it lays down that a lawfully dispensed pluralist may retain two only, one with, and one without cure.⁴ The advantage which a lawfully dispensed pluralist enjoyed over one not so dispensed was that he could select which two incompatible benefices he would keep, whereas the other could keep one only, and that the last received. Thus, as Zengelinus de Casanis points out, the pope, in accordance with the intentions expressed in the preamble to the bull, curtailed existing papal dispensations without totally destroying their efficacy, 'cum alias de iure communi una dignitas vel personatus se non compatiatur cum alia vel alio, etiam sine cura'.⁵ By *Execrabilis* a man who by papal dispensation held a parish church, two parsonages without cure, and several canonries, would have to resign one of the parsonages, but might retain all his other benefices.⁶ This explains why we fail to find any pro-

¹ *Ibid.* pp. 171 ff.

² The chief offices in cathedral and collegiate churches were called *personatus*, but the number and the titles of the offices thus designated varied in different churches. The more important of these again were called *dignitates*, but the distinction between a dignity and a parsonage, like that between a parsonage and a simple office, was more or less arbitrary and depended on local custom rather than rule. Archdeacons, for instance, were in some churches reckoned as dignities, in others they were only parsonages; while *personatus* in certain cases included the offices of clerks in minor orders like the Berefellarii at Beverley, who were not even canons and whose duties were of an administrative kind. In England *dignitates* were usually confined to the *quatuor maiores personae*, viz. dean, precentor, treasurer, and chancellor; cf. A. Hamilton Thompson, *The Cathedral Churches of England*, pp. 20-2, 180.

³ *Corpus Iuris Canonici*, c. 54; cf. *Cal. of Pap. Let.*, i. 71 (Letter to the bishop of Norwich).

⁴ *Corpus Iuris Canonici*, Extravag. Ioannis xxii, tit. iii, c. i.

⁵ gl. ad. v. *maluerit*; cf. Lichfield Cathedral Library, Reg. Langton, fo. 89, where the decree is referred to as that 'contra optinentes plures ecclesias curatas'.

⁶ e.g. John de Godelegh resigned the rectory of Allington, but he still kept the deanery of Wells, prebends at Exeter and Chichester, and the chaplaincy of the castle of Hastings: *Cal. of Pap. Let.*, ii. 7, 213, 266.

visions to canonries vacated by pluralists.¹ There were none. But even so the harvest the pope reaped was a rich one, though it was not perennial like those which resulted from the decree *Ex debito*. It would be wrong to regard the bull as the outcome of sinister motives only. The limited reform aimed at was achieved, and perhaps, as M. Mollat thinks, the reservation clause was essential to its success,² but it was none the less deeply resented.³ It was objected to because of its financial consequences, and also because it was feared that a fresh influx of provisions to aliens would follow. This did not, as a matter of fact, happen. In response to the petitions of the king and the bishops John XXII conferred almost all these benefices on English clerks, a policy based, no doubt, on expediency rather than on a care for the moral welfare of the English church, for it did not follow that because the new incumbent was neither an alien nor, technically speaking, a pluralist, he therefore resided in his cure. A few of the benefices did indeed go to enrich the cardinals, who were exempt from the rigour of the decree, thus justifying in some measure the objections which had been raised against the bull,⁴ and making it comparable with the decree *Ex debito* as a means of providing for the needs of papal servants.

The policy by which the growing papal intervention was resisted in England was the exact counterpart of that used by the Avignon popes to extend their claims. On the one hand, we have the theoretical claims which were put forward at the parliament of Carlisle and again in 1343.⁵ According to these the rights of advowson belonged to those who had enfeoffed the church with lands, and just as the king was the supreme overlord in his dominions so he was the patron paramount of the whole realm. In this feudal scheme there was no room for the pope's claims. But, like the papal theory, this argument was not in practice pushed to its logical conclusions, for the king had no desire to rule out papal provisions altogether. It was used merely as a threat whenever the pope's actions aroused more than usual resentment. In addition, from the end of the thirteenth century the king took steps to enable him to oppose more easily any particular provision which was displeasing to him. This was made

¹ There is in the *Cal. of Pap. Let.*, ii. 204, one provision to a prebend vacated by a pluralist, but it was only granted on condition that it was really void. The entry can be explained by the fact that the bishop of Ossory, in whose church the benefice was, did not understand that all prebends were to be counted as sinecures until he had received an answer from the pope on this point. Mollat, 11906; cf. *Cal. of Pap. Let.*, ii. 207, where the letter is inaccurately summarized.

² Mollat, *La Collation des bénéfices*, p. 26.

³ Rymer, ii, pt. i, p. 354; *Reg. Sandale* (Hants Rec. Soc.), p. 90.

⁴ *Cal. of Pap. Let.*, ii. 198, 205, 210.

⁵ *Rotuli Parliamentorum*, i. 217 ff.; ii. 144.

possible by a gradual but bold extension of the rights of patronage which the king, by right of the Crown, normally enjoyed. He, like the pope, extended his legal claims. This could be done with ease and impunity, thanks to the peculiarly English custom set forth in the first clause of the Constitutions of Clarendon, 'all suits concerning presentations and advowsons shall be tried and terminated in the king's court'. By maintaining this royal right the patronage of lay patrons was fully safeguarded, for English law declared that with regard to benefices in lay patronage papal collations and reservations had no force.¹ If, then, it could be proved that the presentation in a particular instance belonged to the king, or indeed to any other lay patron, any papal provision became at once invalid, and it was impossible to appeal elsewhere without impugning the rights of the Crown. The rights of the victorious patron and of his presentee were protected by the usual writs and prohibitions. Royal officials were ordered to arrest any who brought into the realm, drew up, or published papal letters, citations, and sentences, &c., concerning that benefice, and to seize all who attempted to leave the country in order to pursue the cause elsewhere. The king had therefore no need to resort to any special machinery to protect his rights, whether they were of long standing or of comparatively recent date. Disputes between him and the pope with regard to benefices differ from similar disputes between the pope and other lay patrons in number only, the natural consequence of the greater extensiveness and flexibility of royal claims. The fact that it was often realized beforehand that certain benefices would inevitably be claimed by the pope was not without effect. Whenever it seemed advisable to forestall a papal claim, it was done by advancing the king's title to the presentation for that turn.

In the frequent contests between papal and royal claims which thus arose it is important to realize from the outset that the pope's opposition was not due to any attempt to encroach on the rights of lay patrons, but to his refusal to recognize that the king's courts alone could decide where the right of advowson lay. This was the crux of the whole question. The pope's attitude was a natural one, for in those courts judgement was almost invariably given against the papal claimant. Here too the king's rights received a far wider interpretation than at the papal court, while the king's judges were notoriously careful to keep the royal prerogative unharmed. This point is obvious in the case of benefices in immediate lay patronage, for though the decrees of general reservation make no exception in their favour, in practice the pope respected the custom which declared such benefices to be

¹ *Year Book*, 3 and 4 *Edw. II* (Selden Soc.), p. 171. It was not denied that the pope could confer benefices in ecclesiastical patronage.

immune.¹ From 1305 to 1334 there is indeed not one single instance in which the pope wittingly conferred a benefice which was without doubt in lay patronage. If he did so by accident he did not continue to urge his claim after he had been enlightened.² Whether he was prepared to withdraw his claim when the presentation was claimed by a layman by virtue of the founder's right to administer the temporalities of a religious house during a vacancy is not so clear. In the case of lay patrons other than the king, such conflicts would not often arise; indeed only two are mentioned in the papal registers during John XXII's time, and, it is worth noting, in both instances there was some complication about the right of advowson or else a doubt as to when the vacancy occurred.³ But since cathedral prebends were the staple commodity of papal provisions, it is obvious that papal claims to collate by reason of the death of a cardinal, the promotion of a bishop, &c., might often clash with the king's right to present while the temporalities of a bishopric were in his hands. At the end of the thirteenth century Archbishop Corbridge certainly considered that when this happened the pope's claims cancelled the king's, for he himself sought and obtained papal authority to fill the sacristship of the chapel of St. Mary and the Holy Angels at York, a benefice vacated by his own consecration at Avignon, though the temporalities of the see had not yet been restored to him. Hemingburgh, in his account of the dispute between the king and the archbishop over this benefice, and over the prebend of Stillington, which had become vacant in the same way and to which Corbridge had instituted Francesco Gaetani, takes the same view. He asserts that, though the king has presentations during a vacancy by reason of the baronies held by archbishops and bishops, it is the custom for the pope to confer prebends and dignities vacant by the consecration of bishops-elect at the papal court. He goes on to declare that it was not until about this time that the king, 'led away by evil counsellors', began to claim benefices thus vacant.⁴ The last part of his comment was certainly

¹ Durand de Maillane, *Dictionnaire de Droit Canonique*, Lyons 1776, p. 335. The bishops instituted without delay to benefices vacated by pluralists if they were in lay patronage, and there were no papal provisions to such, though they were included in the lists sent in to the pope: *Reg. Sandale*, p. 94; *Reg. R. Baldock, G. Segrave, R. Newport, S. Gravesend Episcoporum Londoniensium* (Cant. and York Soc.), pp. 147-8, 184; *Reg. Droghda* (Som. Rec. Soc.), p. 15; *Reg. Orleton*, p. 88.

² Rymer, ii, pt. i, p. 449; *Cal. of Pat. Rolls, 1317-20*, p. 113; 1321-4, p. 182; *Cal. of Pap. Let.*, ii. 210, 386; *Reg. Baldock*, p. 185. Note that the bishop in his return did not state whether this benefice was in lay or ecclesiastical patronage.

³ Rotherfield, *Cal. of Chancery Warrants, 1244-1326*, p. 505; *Cal. of Pap. Let.*, ii. 156. Ratcliffe-on-Soar, *ibid.* pp. 183, 235, 284; *The Victoria History of the County of Nottingham*, ii. 96.

⁴ Hemingburgh, *Chronicon* (Eng. Hist. Soc.), ii. 233-4. Corbridge was consecrated at Rome 28 February 1300. Edward I presented John Bush to Stillington 30 April, the day the temporalities were restored, but Gaetani was admitted 12 July:

not accurate, for in 1286, for example, Edward I presented to the prebend of Rampton, in the collegiate church of Southwell, on the promotion of Cintheus de Pinea, the late incumbent, to the bishopric of Tripoli; but his remark suggests that up till the end of the thirteenth century conflicts of this kind had been rare, and that at this time the king began to maintain his rights with unprecedented vigour. It may have been one of the earliest occasions on which an action was brought against the ordinary for upholding a papal provision. The case certainly made a deep impression on lawyers, and it was cited later as proof that ordinaries were bound to obey the king's commands even when contrary to the law of Holy Church.¹ In the case of Rampton, the resistance to Roland da Ferentino, the papal nominee, was maintained for four years, but there is no mention of any lawsuit, and in the end the king gave way and allowed him to receive the prebend.² Edward I gave way also in a similar dispute over the prebend of Buckden in the church of Lincoln in 1299.³ During the last few years of his reign, however, he made it clear that he did not intend to allow papal claims to override his own, and both he and Edward II consistently exercised their rights regardless of papal reservations. In Edward II's time the pope did not as a general rule seek to claim these benefices.⁴ The absence of papal provisions in such cases may perhaps have been partly due to an absence of petitions, for as soon as the king's determination to preserve his right was generally known, few would think it worth while to ask for a provision which would undoubtedly involve them in a long dispute. Certainly no bishop followed Corbridge's example in seeking papal authority to confer a benefice vacated by himself while the temporalities were in the king's hands. But this is not the only explanation, for, whatever the attitude of Boniface VIII may have been, John XXII recognized the right of *regale*, at any rate within certain limits. On some occasions he appears to have been prepared to waive his own claims in favour of the king's, and in a letter to Edward II he declared that he did not wish to infringe royal rights.⁵ That this was no mere mean-

Cal. of Pat. Rolls, 1292-1301, p. 512; Le Neve, *Fasti Ecclesiae Anglicanae*, ed. T. Duffus Hardy, 1854, iii. 212. Cintheus was elected bishop in December 1285, but was never consecrated, for in May 1286 he became archbishop of Capua: Eubel, i. 170, 526. The king presented on 28 February 1286: *Cal. of Pat. Rolls, 1281-92*, p. 225.

¹ *Year Book* (Rolls Series), 19 *Edw. III*, p. 168; cf. Plucknett, *Statutes and their Interpretation in the First Half of the Fourteenth Century*, p. 143.

² *Cal. of Pap. Let.*, i. 493, 495-6; *Reg. Romeyn* (Surtees Soc.), i. 390.

³ Rymer, ii, pt. i, p. 400.

⁴ During the voidance of the archbishopric of York (1315-17) Edward II presented to Fenton and to a prebend of Auckland, both of them vacated by bishops appointed by John XXII, and also to a prebend of Southwell vacated by the consecration at Avignon of Archbishop Melton: *Cal. of Pat. Rolls, 1313-17*, pp. 623, 638; 1317-21, p. 39.

⁵ Rymer, ii, pt. i, pp. 396-7, 543; also *Cal. of Pap. Let.*, ii. 200 (Long Newton).

ingless formula is proved by the fact that none of the many disputes between king and pope involved the right of *regale* in its simplest form, that is, the right to present to benefices when a bishopric was actually vacant. It was with regard to certain later extensions that they failed to agree, and so we come back to the point that it was the right to try suits concerning advowsons which was the main issue.

The growth of the king's rights was partly parallel with the growth of papal intervention and independent of it, and partly a counter-development. The king had the same reason as the pope for desiring to extend his rights, namely, the necessity of furnishing his clerks and officials with the benefices which, in lieu of salary, were given them as a recompense for their services. But it was soon realized that the extension of royal claims automatically multiplied the barriers against papal provisions, and a further extension was then made for that purpose. An increased care for the strict observance of the king's rights of patronage is apparent from the early thirteenth century. From the pleadings in a case in 1234 between the king and Ralph, bishop of Hereford, one would conclude that before that time the king certainly did not present to benefices once the temporalities had been restored, and possibly not after the bishop's confirmation, the ceremony whereby he received power to institute to benefices and to exercise other functions pertaining to his office. The prebend in question fell vacant on the eve of the confirmation, and the bishop collated to it on the following day, 23 September. He contended that he had found the benefice vacant when he came into office and therefore he could and ought to fill it, while on the other side it was argued that the presentation belonged to the king because the vacancy began *suo tempore*.¹ As the temporalities were not restored until a week after the collation made by the bishop,² one would have thought the king's right would have been beyond dispute, but no use appears to have been made of this fact. All the emphasis was laid on the point that the prebend became vacant before the confirmation, and the same fact was stressed in the letter of presentation.³ The archbishop of Canterbury and certain bishops were unanimously agreed that the presentation belonged to the king, but they could allege no custom in support 'quia inauditus fuit penes illos iste casus'. Long before the end of the century, however, the king claimed the right to present to all benefices which became void while the temporalities were in his hands, and this much John XXII seems to have been willing to allow. At least there are no disputes in which he denies such a right to the king, though it is worth noticing that the phrase

¹ *Red Book of the Exchequer* (Rolls Series), ii, 765.

² *Cal. of Pat. Rolls, 1232-47*, p. 72, 30 September.

³ *Ibid.* p. 73, 2 October.

used in a papal letter to describe the right of *regale* would, if strictly interpreted, only cover vacancies which occurred before the bishop was confirmed.¹ In addition, by John XXII's time the king exercised his rights of patronage when the temporalities of a bishop or abbot were seized for political or punitive reasons during the prelate's lifetime. Moreover, he claimed the presentation to all benefices which were vacant at the moment when he took the temporalities into his hands, even those which had been conferred but of which possession had not been obtained before the bishop's death, and also to those which were vacant *de iure* though not *de facto*.²

The pope's attitude towards such claims is well illustrated in the case of the archdeaconry of Bedford. The benefice was vacated by a pluralist, and in September 1319 John XXII granted it at the king's request to Thomas de Neville, the son of John de Neville, who had been sent to Avignon as the king's envoy.³ Thomas's letters of provision remained, however, for some time in the papal chancery and, unfortunately for him, before they were delivered the bishop of Lincoln died. On 26 January, that is about a fortnight later, Edward II presented Master Edmund de London, one of the chancery clerks,⁴ and when Thomas appeared with his papal bull he found the king's presentee in possession. The usual writs and prohibitions were sent out to protect Edmund's right in the benefice,⁵ but Thomas succeeded in bringing his complaint before the pope. In July a papal mandate was addressed to the archbishop of Canterbury, the bishop of Norwich, and the prior of Sempringham, ordering them to remove Edmund and to execute the provision made to Thomas. This letter, which gives an explanation of what had happened, is interesting. It recounts that Edmund was presented by the king by reason of the royal right '*quo confert vacantia beneficia ecclesiarum cathedralium vacantium*'. It is not suggested that the king had no right to do so because this benefice was reserved; instead, emphasis is laid on the fact that, as the bull remained so long undelivered, the king was ignorant of the provision made before the bishop's death, that is, before the right of presentation came to him.⁶ Considering the careful form in which papal letters were drawn up, it is unlikely that the pope's right would be glossed over if he

¹ See *infra*.

² The king could thus use the canon law for his own advantage. Edward III's use of the decree declaring the benefices unlawfully held by pluralists to be *ipso facto* vacant is only a particular instance of this kind, see Maitland, *Canon Law in the English Church*, chap. v, 'Execrabilis and the Common Pleas'. For earlier instances of presentations to benefices *de facto* vacant see *Year Book*, 7 *Edw. II*, p. 649, and *Reg. Hethe* (Cant. and York Soc.), pp. 114-15; *Cal. of Pat. Rolls*, 1321-4, pp. 108, 374, 383; 1324-7, p. 57.

³ *Cal. of Pap. Let.* ii. 193.

⁴ *Cal. of Pat. Rolls*, 1317-21, p. 416; *Cal. of Close Rolls*, 1318-23, p. 323.

⁵ *Cal. of Pat. Rolls*, 1317-21, p. 458.

⁶ Mollat, 11736.

really claimed that reserved benefices were not subject to the right of *regale*, and the natural inference is that, had the provision been made after the death of Bishop Dalderby instead of before, John XXII would not have insisted on Thomas's right to the archdeaconry. The dispute went on for some time, but the king triumphed in the end.¹ In 1322 Thomas succeeded in obtaining a provision to Boothby, another benefice in the diocese of Lincoln vacated for the same reason,² and after that time he must have abandoned his pretensions to the archdeaconry. No one else undertook to uphold the pope's right, and Edmund henceforward remained in undisturbed possession.

Edward II's attempts to fill benefices in the gift of the bishops of Lincoln and Hereford after he had seized their temporalities for complicity in the rebellion of the Marcher lords occasioned several disputes between royal and papal nominees. The bishops themselves refused to admit the king's presentees, but he induced the moresycophantic Archbishop Reynolds to induct them instead, and it was not until Burghersh promised to confirm such institutions that, in 1324, the temporalities were restored to him. Orleton never made his peace with Edward II, and it was not until after the king's deposition that he received back his temporalities. John XXII objected very strongly to the whole affair, and wrote several letters admonishing Edward II for his conduct.³ It was not then to be expected that he would refrain from collating to benefices which the king claimed on such grounds.⁴ Edward, on the other hand, pointed out to the pope that the right of presentation belonged to the king whenever the temporalities were, for legitimate reasons, taken into his hands, whether the see was full or not.⁵ From 1323 onwards there were therefore several collisions between papal and royal rights.⁶ The papal claimants were unable to obtain possession, for as usual judgement was given against them in the secular courts; but the revolution of 1326 brought victory to the pope. Orleton and Burghersh were in favour with the new rulers of England, and in the first parliament of Edward III the actions taken against the followers of Lancaster were reversed. Orleton's temporalities were restored,⁷ and the king promised that in future the temporalities of bishops

¹ *Cal. of Pat. Rolls, 1321-4*, pp. 3, 10; *1324-7*, p. 302.

² *Cal. of Pap. Let.*, ii. 221.

³ *Ibid.* ii. 468, 469, 471.

⁴ Cf. denial of Richard I's right to presentations during the suspension of the archbishop of York: *Corpus Iuris Canonici*, iii, tit. viii, c. 5.

⁵ Rymer, ii, pt. i, p. 500.

⁶ e.g. archdeaconry of Lincoln, *Cal. of Pap. Let.*, ii. 231; *Cal. of Pat. Rolls, 1321-4*, p. 328; prebend of Stoke, *Cal. of Pap. Let.*, ii. 224; Rymer, ii, pt. i, p. 493; *Cal. of Pat. Rolls, 1321-4*, pp. 135, 196; prebend of Morton, *Cal. of Pat. Rolls, 1324-7*, pp. 116, 132, 151; *Reg. Orleton*, pp. 326-8, 389.

⁷ Rymer, ii, pt. ii, p. 689.

should not be seized without cause.¹ Presentations made to benefices in the gift of those who were of the earl of Lancaster's party were repealed as far as Holy Church should allow.² The bishop of Lincoln was released from the fines incurred by him for refusing to admit the king's nominees,³ and possibly the judgments given against the bishops in suits of *quare impedit* were in some cases nullified.⁴ As a result the pope's claims were now in several instances at last vindicated.⁵ His triumph was not, however, in every case absolute. Over the archdeaconry of Lincoln a compromise was made. In 1330 John XXII accepted the resignation of the provisor, Archibald of Périgord, and in order to terminate the suit gave it at the king's request to Hugh de Camera,⁶ who had been in possession since 1324.⁷ Edward III on his side revoked the presentation made by Edward II in favour of John de Erdeley, and ratified Hugh's estate as archdeacon by virtue of a papal bull.⁸

Another method of stretching the right of *regale* which occasionally brought king and pope into conflict was the practice of granting the benefices vacated by a newly appointed bishop without waiting for his consecration. It was done by Edward I, and in 1346 an unsuccessful attempt was made in a suit of *quare impedit* to uphold the plea that a bishop's former benefice became vacant as soon as he was confirmed.⁹ As a matter of fact the king's presentees were not admitted until it was ascertained that the benefice in question was actually void, but by that time the ground on which the king claimed the presentation might no

¹ *Statutes of the Realm*, 1 Edw. III, stat. 2, c. 2.

² Rymer, ii, pt. ii, p. 684. A petition to this effect was granted, and the revocation of the king's presentation to the archdeaconry of Lincoln refers to the statute passed in the first parliament of the reign revoking all presentations made by Edward II after the death of Thomas, earl of Lancaster, though there is nothing corresponding to this in the printed statutes for that year: *Cal. of Pat. Rolls, 1330-4*, p. 13.

³ Rymer, ii, pt. ii, p. 697.

⁴ *Rot. Parl.*, ii, 7, 11. The answer to the petition was that the prelates, nobles, and lawyers would consult together and do what was right.

⁵ *Reg. Orleton*, p. 389; *Cal. of Pap. Let.*, ii, 259, 283.

⁶ *Cal. of Pap. Let.*, ii, 316; Rymer, ii, pt. ii, p. 776. Archibald was the brother of the late count of Périgord. He also held the abbacy of St. Astier, a secular office, and the archdeaconry of Dreux. The latter he might have had to resign on obtaining the archdeaconry of Lincoln, for John XXII rarely gave a dispensation for two incompatible benefices with cure except to cardinals, thus keeping more or less to the limitation imposed by *Execrabilis*. Archibald might well have decided it was better to keep the dignity he already held than to lose it for the precarious possession of another in England: Souchet, *Histoire du diocèse et de la ville de Chartres*, iii, 105.

⁷ Le Neve, ii, 44 (quoted from Reg. Burghersh).

⁸ *Cal. of Pat. Rolls, 1330-4*, p. 13. Hugh had been admitted presumably on the bishop's authority. According to an exemplification dated 29 March 1329, Hugh had been granted the benefice by letters patent dated 6 February 1327, i. e. three days after the king had given his assent to the petition concerning the revocation of presentations. The grant itself is not on the Patent Rolls, and the exemplification was perhaps an administrative fiction.

⁹ *Ibid.*, 1282-91, p. 340; *Year Book, 20 Edw. III* (Rolls Series), i, 526; ii, 396.

longer exist. A point of this kind would explain why Cardinal d'Eause was allowed to obtain the rectory of Hackney, although the king had presented Robert de Wodehouse a fortnight before the date of the papal provision. The temporalities of the see of London were restored to the recently elected bishop on 17 March 1317, the very same day that Cobham, rector of Hackney, was appointed to the see of Worcester.¹ On 10 April Robert de Wodehouse was presented on the ground that the benefice was vacant while the temporalities of London were in the king's hands.² Now the benefice was certainly resigned by Cobham before his consecration, but quite probably not until after the 31 March, for the pope did not confer it until 25 April.³ The fact that the cardinal secured the benefice⁴ cannot therefore be regarded as a triumph of papal over royal claims, though it is true the presentation might not have been dropped so readily had the provisor been a less influential person than the pope's nephew.

So far the king has been shown more or less on the defensive, preserving against the pope rights which had been previously asserted against ordinary collators. In doing so he was more often than not successful, except with regard to the presentations made in consequence of the seizing of the temporalities of Orleton and Burghersh. Even when a provision was made to one who was in the king's favour, it was not safe to infringe the rights of the Crown. Hence we find that Thomas d'Aungerville, who obtained a papal provision to the rectory of Sawbridgeworth, void by the promotion of his kinsman Richard of Bury to the deanery of Wells, was shortly after presented to the same benefice by the king, the temporalities of Westminster having been in his hands while the benefice was vacant, and it was on the king's presentation that he was admitted.⁵

A more interesting extension of the rights of *regale* is that which was deliberately used to oust papal provisors, especially aliens, from benefices they were already holding, or else to frustrate the execution of papal collations and expectative grants made in their favour. Sometimes, as we have seen, Edward I had abandoned his claim and allowed the provisor to obtain possession. At other times the king's right may have been passed over through ignorance or neglect. From the beginning of the fourteenth century the king began the practice of reviving his claim to these abandoned or neglected presentations, that is to say, the legal dictum that 'no time runs against the king', which had already been asserted in the case of certain royal rights, was now applied to his rights

¹ *Cal. of Pat. Rolls, 1313-17*, p. 633; *Cal. of Pap. Let.*, ii. 140.

² *Cal. of Pat. Rolls, 1313-17*, p. 639.

³ Mollat, 3614.

⁴ *Reg. Baldock*, pp. 287 n. 5, 303.

⁵ *Cal. of Pap. Let.*, ii. 374; *Cal. of Pat. Rolls, 1330-4*, p. 475; *Reg. Baldock*, p. 302.

of patronage. The right of an ordinary lay patron of course lapsed to the ordinary after six months, both when he had failed to present and when there was a dispute about the advowson which was not terminated within that time. The king at one time seems to have conformed to the canon law in this respect, for it was only by gradual stages that he claimed exemption from the rules of lapse. Secondly, if a patron wished to recover a presentation usurped by another, he was bound by law to purchase his writ within six months of the date of institution, plenarty by six months being a good defence against a possessory action. But here again the king was exempt. Statute did not bind the royal prerogative, and, as in such cases the king could not seek remedy by a writ of right, it was declared that plenarty was no bar against him when he claimed a presentation in the right of another.¹ The two dogmas naturally hang together, and in the fourteenth century they were vindicated in innumerable cases.

The first step in this direction may be seen in that statement of the common law in regard to the king's prerogative known as the *Praerogativa Regis*, which Maitland pointed out must have been drawn up about the end of the thirteenth century.² Here it is asserted that 'in a suit between the king and another over an advowson, if judgement is given for the king, though it be after six months from the time of voidance, no time shall prejudice him provided he had presented within the aforesaid space of six months'.³ There is a good illustration of this in 1298, when Edward I presented to the church of St. Peter Port in Guernsey by reason of the temporalities of the abbot of Marmoutier having been seized into his hands, and the bishop of Coutances, the ordinary, refused to admit. The king, however, succeeded in establishing his right against the abbot and the bishop, but six months having now passed, the latter claimed the collation by lapse.⁴ A letter close was then sent ordering him to admit the king's presentee at once on pain of forfeiture, 'since in such cases time does not run against the king or those presented by him, in accordance with the prerogative of his royal dignity'.⁵ The word 'such' in the above phrase suggests that it was only in the case of protracted suits that the king could not lose his right by lapse,

¹ It did not apply when the king claimed an advowson in his own right: Ehrlich, 'Proceedings against the Crown', in *Oxford Studies in Social and Legal History*, vi. 119; *Year Book*, 18 Edw. III (Rolls Series), pp. 62-72.

² *Ante*, vi. 367-72.

³ *Statutes of the Realm*, 17 Edw. II, c. 8. Phillimore understands the last clause to mean that the king must present within six months after the judgement of the court, but this is a misconstruction: Phillimore, *The Ecclesiastical Law of the Church of England*, 1873, p. 488.

⁴ *Cal. of Close Rolls, 1296-1302*, p. 394; *Cal. of Pat. Rolls, 1292-1301*, pp. 312, 329.

⁵ *Cal. of Close Rolls, 1296-1302*, p. 224.

and this is supported by the fact that the *Praerogativa Regis*, a document containing the fullest assertion of royal rights, only deals with the question in that connexion. The same claim was, however, soon made when the king's right had not been disputed, but merely neglected. From the beginning of the fourteenth century the king frequently presented years after the voidance and in spite of the fact that the benefice had long been full. An attempt to limit the period within which such claims could be made proved ineffective. The statute of 1340, whereby Edward III agreed not to present more than three years after a voidance, was never enforced, and in 1351 it was repealed. At that time the king promised not to claim presentations from voidances which occurred before the beginning of his own reign, but even this was not observed, and virtually there was no check whatsoever on his power to revive rights of advowson which had at some time or other accrued to him or his ancestors.¹

That this further extension of the prerogative was made as a direct attack on papal provisions there can, I think, be little doubt. It was first put forward at a time when antipapal feeling ran very high, and to begin with was used almost invariably against papal claims. In the famous dispute in 1304 over the prebend of Stillington the plea was brought against the archbishop several years after the papal nominee had obtained possession, but the king had undoubtedly presented within six months of the voidance. In the dispute concerning the treasurership of York, three years later, this was not so, but none the less the court gave judgement for the king.² Here, I believe, we have the first instance of a fuller assertion of the doctrine that there is no lapse against the king. Prynne, it is true, speaks of it as an immemorial prerogative of the Crown, but the remarkable document he cites in support is none other than the letter close to the bishop of Coutances mentioned above, where the privilege claimed is only a limited one.³ But there is also in the *Placitorum Abbreviatio* one case which looks like a previous instance of the full application of this privilege to rights of advowson, and on this authority it has been considered that the extension, in its entirety, dates from the early years of Edward I's reign.⁴ According to this abstract of a suit between the king and Gilbert, earl of Gloucester, it seems that in 1279 Edward I recovered his right to present to the church of Fordingbridge by reason of an alienation of the advowson without licence in the reign of Henry III, the attorney on the

¹ *Statutes of the Realm*, 14 Edw. III, stat. iv, c. 2, and 25 Edw. III, stat. ii, cc. 1 and 2: cf. *Cal. of Pat. Rolls, 1367-70*, p. 27; Plucknett, *op. cit.*, pp. 42-3; Staunford, *An Exposition of the King's Prerogative* (1567), pp. 32-3.

² *Select Cases before the King's Council* (Selden Soc.), pp. 18 ff. and intro., p. lvi ff.

³ Prynne, *The History of King John, Henry III, and Edward I*, p. 331.

⁴ *Placitorum Abbreviatio* (Rec. Com.), p. 196; Ehrlich, *op. cit.*, pp. 41, 58.

king's side declaring that no time withstands the king when he seeks judgement of the court. On turning to the plea rolls themselves it will be found that the summary of the case given in the *Placitorum Abbreviatio* is inaccurate and misleading. The benefice had recently fallen vacant and the king claimed the presentation because Elias de Farleye, a tenant-in-chief who held the manor to which the advowson was attached, had forfeited his lands by felony. The earl of Gloucester opposed him on the ground that the advowson had been granted by Elias's father to Richard de Clare, the former earl, and a final concord made thereon in the forty-first year of King Henry III. He asserted further that, even if the alienation had been made without licence, it had happened so long ago that the king could not controvert his right to the presentation. To this the king's party replied that the fine could no more bar the king than if it had been made yesterday, because, and this is the important point, the benefice had not hitherto fallen vacant since the alienation was made. In consequence the earl had never exercised any right of presentation to the church, and so had never been seized of the advowson. The date when the fine was made was therefore of no consequence, and it was a sufficient plea to allege that it had been made without licence: 'immo ei modo plene contradicit tempore quo comes primo vult uti predicto fine.'¹ This case can therefore be disregarded, and we can turn back to the case concerning the treasurer-ship of York as one of unqualified importance in the history of the prerogative.

On 10 May 1297 Giovanni Colonna, treasurer of York, had been deprived of his benefices as a schismatic. The temporalities of the archbishopric were at that date in the king's hands, but no royal presentation was made, and in November Theobald of Bar, brother of Edward I's son-in-law the count of Bar, was admitted on the collation of Boniface VIII. In 1303 Theobald was appointed to the bishopric of Liège, and the pope thereupon gave the treasurer-ship to his nephew Francesco Gaetani.² Three years later, that is nine years after the time from which the king took his title, Edward I became aware of his claim and presented Walter de Bedewynd, a clerk of the exchequer.³ The archbishop failed to admit him and he was threatened with a summons to answer at the parliament of Carlisle, but at the request of the cardinal-bishop of Sabina, the papal legate, the matter was examined before the council, the bishop defending Gaetani's right. This

¹ Record Office, Coram Rege Rolls, Trinity, 7 Edw. I, Minus record m. 7, Majus record m. 30. The latter only is cited in the *Plac. Abbrev.* It is the less legible and slightly mutilated.

² *Cal. of Pap. Let.*, i. 611.

³ Later remembrancer of the exchequer. He had previous connexions with the diocese of York, being rector of Catton and Aughton, and in 1308 he lent £100 to Archbishop Greenfield: Dixon, *Lives of the Archbishops of York*, ed. Raine, p. 365.

fact and the whole of the subsequent proceedings suggest that the case was an unusual one, but from the first there was little doubt as to what the judgement would be. The writ ordering the council to examine the suit commands them to ordain whatever shall guard in all points the rights of the Crown, and urges them to decide on some good and suitable instrument whereby they shall inform the pope on the king's behalf in regard to the aforesaid right in the best way they can, and then to certify to the king what they have done. When the case was opened the bishop of Sabina pleaded that the king had lost his presentation by neglect, and had moreover recognized Gaetani as treasurer in certain letters giving him licence to appoint attorneys. Bedewynd himself replied for the king. He declared that the letters did not assign any title of possession and that, as to the other objection, the provision to Theobald ought not to prejudice the king because the collation at that time belonged to him by right of the Crown, and the king has the special prerogative that in matters of this kind which belong to the right of the Crown there is no lapse against him. If, he went on to assert, these rights should fall into abeyance or be neglected, the king not being consulted or in any wise giving attention to it, he can recover them whenever he pleases. After some discussion the council gave judgement for the king, and enjoined Bedewynd to maintain the royal right and to sue to the king and council for aid when necessary. This decision was signified to the king, and a transcript of the proceedings was made from the exchequer rolls and given to Bedewynd.¹

The prerogative right here asserted was freely exercised by Edward II, and the letters made to save the right of the Crown on behalf of Bedewynd and Bush, the king's presentee to the prebend of Stillington, were regarded as models for future use. In 1309, when the king had in similar circumstances conferred the archdeaconry of Richmond, then held by the cardinal of Sta. Maria in Cosmedin, on John de Sandale, he ordered the rolls of chancery to be searched and like letters to be sent to the pope and cardinals in order to maintain the right of the Crown.² The justices, however, were not yet clear as to the extent of the prerogative. In a suit of *quare impedit* between the king and the bishop of Salisbury in that same year, the bishop's attorney argued that the king could not claim a presentation by reason of a voidance which occurred in the time of his predecessor, and the bishop was acquitted on this count.³ But this view was not maintained, and

¹ *Select Cases before the King's Council*, loc. cit.

² *Calendar of Chancery Warrants, 1244-1326*, p. 296.

³ *Plac. Abbrev.*, p. 309. Record Office, Coram Rege rolls, Mich., 3 Edw. II, m. 53. The king's presentation was, however, not revoked until March 1310, and then because the king of France had testified that the incumbent was not dead, as had been supposed: *Cal. of Pat. Rolls, 1307-13*, p. 223.

Edward II frequently recovered presentations on such grounds, while Edward III claimed them from the time of his grandfather.¹ During the voidance of the papacy after the death of Clement V good use was made of the opportunity to disturb alien provisors and to reverse some of the triumphs which Edward I had found it expedient to allow the pope to enjoy. It was in 1314 that William of Brescia, the famous Italian physician attached to the papal court,² was dispossessed of the prebend of Buckden.³ The same year George of Ivrea (G. de Solerio de Iporegia)⁴ was deprived of the prebend of Rampton in order to make way for William de Bevercotes, the king's chancellor in Scotland, who had been promised special favours in the way of preferment by Edward I, but whose expectations had not yet been fulfilled.⁵ In both cases the king claimed the presentation by reason of a voidance in the time of Edward I, and similar claims to other benefices were made about this time.⁶ Neither were such proceedings abandoned after John XXII's accession. In 1317 Luca Fieschi and Gaucelin d'Eause, the two cardinals sent to make peace between England and Scotland, protested on behalf of those who had been thus deprived of their benefices, and as a result Edward II appointed certain justices to examine their petitions;⁷ but the practice was by no means discontinued. The next year Gabriel de Canville (de Camilla), one of Cardinal Fieschi's chaplains, lost his prebend in the church of Salisbury (Grimstone and Yatminster), the king

¹ *Cal. of Pat. Rolls, 1340-3*, p. 301 (Wetwang).

² Appointed papal physician by Boniface VIII, he died at the papal court in 1326. He was archdeacon of Boulogne, one of the archdeacons of Cologne, and prebendary of Paris and Brescia: *Mélanges d'Archéologie et d'Histoire* (École Française de Rome), ii. 442-5; Mollat, 6041, 6964. Edward I had claimed the right of presentation to Buckden on the death of Bishop Sutton, but after considerable opposition the dean and chapter admitted William's proctor c. 1300: *Cal. of Pap. Let.*, i. 595; *Cal. of Pat. Rolls, 1292-1301*, pp. 481, 492.

³ Granted to William de Ayreminne 17 August 1314: *Cal. of Pat. Rolls, 1313-17*, pp. 165, 176; Rymer, ii, pt. i, p. 400.

⁴ George of Ivrea, a papal chaplain, had been admitted to the prebend in 1298: *Reg. Romeyn*, ii. 220-1. He died c. 1332: *Cal. of Pap. Let.*, ii. 358.

⁵ In 1311 he had been given St. Peter's, Northampton, as a partial fulfilment of the promised preferment: *Cal. of Chancery Warrants, 1244-1326*, p. 343. Rampton was granted to him 18 September 1314, and the king's right was recovered against the archbishop, but in spite of the judgement Bevercotes met with some opposition and he did not obtain possession until 5 October 1315: *Cal. of Pat. Rolls, 1313-17*, pp. 175-6; *ibid.*, 1317-21, p. 285; Le Neve, iii. 453. Professor Hamilton Thompson tells me that on that date Reg. Greenfield, ii, fo. 22d, notes the collation to Bevercotes on the failure of George of Ivrea to appear. For attempting to draw Bevercotes into the Roman court, George was sentenced to pay damages of £2,000 to the king and £1,000 to Bevercotes, and his prebend in the church of Lincoln (Banbury) was sequestrated. In 1327 he was pardoned and allowed to keep Banbury, but, in spite of several mandates from the pope, Bevercotes remained in possession of Rampton: *Plac. Abbrev.*, pp. 338, 343; *Cal. of Pat. Rolls, 1327-30*, p. 12; *ibid.*, 1330-4, p. 13; *Cal. of Pap. Let.*, ii. 223, 449.

⁶ e. g. Nassington: *Cal. of Pat. Rolls, 1313-17*, p. 162.

⁷ Rymer, ii, pt. i, p. 349.

claiming the presentation by a similar title.¹ The papal reservation of benefices resigned by pluralists was countered by a host of such claims. The presentation to Beddington, it was said, belonged to the king by reason of a former vacancy during the voidance of the priory of Bermondsey.² A similar claim was made with regard to Ibstock. Albrighton, it was found, had fallen vacant between September 1307 and October 1308, when Bishop Langton's temporalities had been seized into the king's hands,³ and Arreton at the time when Edward I had seized the temporalities of the prior of Carisbrooke ;⁴ while the incumbents of Long Newton and Washington, it was now discovered, had been deprived of those benefices after the death of Bishop Kellawe and before the restoration of the temporalities of Durham to Beaumont in 1317.⁵ Similar claims could be and were advanced in the case of benefices which became vacant by the death of a papal chaplain or a cardinal, &c.⁶

In many cases the king's presentee not only obtained admission but remained in final possession of the benefice. Fierce opposition was made by dispossessed aliens and appeals were addressed to the papal court, but the usual measures were taken to render them ineffective. If the provisor should succeed in getting the sentence of the papal court published in England, his opponent would then outwit him by fraudulently resigning the benefice.⁷ The king granted it to some one else who undertook to maintain his right, and recourse had again to be made to Avignon in order to obtain a mandate against the new possessor. Thus a suit might be continued almost indefinitely. It happened in the case of the dispute over the treasurership of York, and here even the death of Bedewynd, while his appeal was pending before the pope, did

¹ Rymer, ii, pt. i, pp. 401, 439; *Cal. of Pat. Rolls, 1317-21*, pp. 146, 377. Jones suggests that Thomas de Stanton, the king's presentee, was the same as the person of that name who had previously held the office of subdean: *Fasti Ecclesiae Sarisberiensis*, pp. 329, 389.

² *Reg. Sandale*, p. 95. The last voidance of Bermondsey was in 1312: *Cal. of Pat. Rolls, 1307-13*, p. 505.

³ *Cal. of Pat. Rolls, 1317-21*, p. 270. Ingelard de Warley was instituted 26 May 1308, on the presentation of John de la Warre: *Reg. Langton*, fos. 27 (b) and 28 (b).

⁴ *Reg. Sandale*, p. 267.

⁵ Record Office, *Coram Rege Rolls*, Hilary, 12 Edw. II, m. 97 and 97 d. No particulars are given and the record of the suit is very brief. The bishop acknowledged that the presentation belonged to the king, and judgement was given accordingly. John of Gergeaux, it seems, did resign Long Newton during the vacancy, for at that time Richard de Insula was instituted: Dixon, *op. cit.* p. 381; cf. *Cal. of Pap. Let.*, ii. 177. In the case of Washington there is no record of the deprivation in the Durham registers, but several complaints were made against the rector for neglect: *Reg. Palat. Dunelmense* (Rolls Series), ii. 752; iv. 412-13.

⁶ e. g. in 1326, after the death of G. de Tilheto, a papal chaplain, Robert de Ayleston was presented to the archdeaconry of Wiltshire by reason of a voidance in the time of Edward I: *Cal. of Pat. Rolls, 1324-7*, p. 254; *Cal. of Pap. Let.*, ii. 371; Jones, *Fasti Ecclesiae Sarisberiensis*, pp. 170-1.

⁷ *Cal. of Pap. Let.*, iii. 170: cf. Norwell Overhall (Southwell), *Le Neve*, iii. 437; *Cal. of Pap. Let.*, ii. 528.

not end the dispute, for it was then declared that Bedewynd had previously exchanged it for another benefice with William de la Mare, a kinsman of the archbishop of York.¹

The king sometimes had to give way. He might revoke his presentation out of respect for the papal claimant and give him permission to retain the benefice for life.² At other times, as in the case of the prebend of Ketton, a compromise was effected; the king bought off the opposition by granting the dispossessed incumbent another benefice of equal or greater value.³ More often the pope's triumphs were the outcome of the political situation. When the king needed the pope's aid and goodwill, he showed less determination in pursuing his claims to benefices and occasionally gave the provisor permission to prosecute his business in England. Such concessions, it will be found, occurred most frequently about 1324-5, when the ill feeling between England and France had come to a head, in the early years of Edward III's reign, and again about 1337-8, when the king was anxious to keep on good terms with the papal mediators sent to prevent a fresh outbreak of war with France: not that Edward III desired peace, but because the negotiation gave him time to prepare for war. Even then the provisor only obtained the benefice on sufferance. The king did not deny his title, and when such concessions were made care was taken to insert some clause 'saving the royal right'. At some later more favourable moment the king's claim was in many cases revived.

The dispute over Leighton Buzzard, a prebend in the church of Lincoln, furnishes an example of this kind, and as it also illustrates the opportune manner in which royal claims were advanced, it may be of interest to follow it in some detail. It is not easy to reconstruct the minute particulars of the story, for the facts as they appear in the plea rolls are not quite in accordance with those given in a letter sent by the king to the pope, and in neither case do they tally with the list of incumbents contained in *Le Neve*; but the following appears to have been the sequence of events. The prebend became vacant by the death of Hugh de Normanton in the autumn or late summer of 1318. It was claimed by James de Berkeley, who, at the king's request, had been granted the expectation of a prebend at Lincoln in the previous July and also by John du Puy-Barsac (de Podio Barsaco), who had received a similar provision two years earlier.⁴ In November the king granted the benefice to William de Ayreminne

¹ *Ibid.* pp. 316, 344, 379, 400; Rymer, ii, pt. ii, p. 826; *Select Cases before the King's Council*, loc. cit.

² *Cal. of Pat. Rolls, 1313-17*, p. 353 (Nassington).

³ Rymer, ii, pt. i, p. 419.

⁴ *Cal. of Pap. Let.*, ii, 124, 175. The provision to John also included the expectation of a dignity: Mollat, 1576.

by reason of the voidance of the bishopric in the time of Edward I,¹ but though according to Le Neve's list it seems probable that the king's claim was well founded, it was not at first pursued any farther. There was sufficient reason for this, for though Berkeley's title was not so good as that of his rival, he had some hope of obtaining the benefice; possibly he had actually secured possession, and the king would have no desire to frustrate him.² Indeed Ayreminne already held Buckden, another rich prebend in the same church; so it would be of little advantage to him to secure Leighton Buzzard, for he could not retain both. The royal presentation was intended merely as a precaution in case the alien's claim should be enforced. In 1319, however, a papal mandate was sent ordering the archbishop of Canterbury and others to proceed to the execution of John's letters of provision and to put him in possession of Leighton Buzzard;³ hence it became advisable to take further steps with regard to the king's claim. The alien claimant was summoned to appear three weeks after Easter to answer for having opposed the king's right of presentation, and on the death of Dalderby, bishop of Lincoln, the king seized the opportunity to strengthen his own claim. On 21 January 1320, the day after the see became void, Ayreminne was again presented, and subsequently the dean and chapter were summoned to answer to a similar plea on the same day.⁴ In both suits judgement was given for the king, but in one the presentation was claimed by reason of the voidance of the see in Edward I's time and in the other by reason of the present voidance. The cases were very brief. In the first John du Puy-Barsac failed to appear, and judgement was thereupon given against him by default. In the second the king's side claimed that the benefice became vacant by the death of Hugh de Normanton, and was still vacant when the temporalities came into the king's hands. The dean and chapter recognized that the benefice was vacant and in the king's gift, but denied they had impeded him; and so no penalty was imposed. Nothing at all was said about Berkeley. The plan seems to have been that nothing should actually be done to disturb his right, but should the pope pursue his opposition farther, then the prebends should simply be changed round between him and Ayreminne. Thus in the case of two prebends where papal rights had been disregarded, the dispute would be made more com-

¹ *Cal. of Pat. Rolls, 1317-21*, p. 239. Edward St. John had obtained the prebend by papal provision in April 1301, that is, not long after Bishop Dalderby received the temporalities: *Le Neve*, ii. 170.

² On 20 October 1318 Berkeley was instituted to the archdeaconry of Huntingdon, to which he had been collated by the pope, and for this reason it may have been thought excusable to give him the first vacant prebend: *Le Neve*, ii. 50.

³ *Cal. of Pap. Let.*, ii. 184.

⁴ Record Office, *Coram Rege Rolls*, Easter, 13 Edw. II, m. 38 d and m. 41.

plicated. In June Berkeley was cited to appear at Avignon, and about a fortnight later the question of the exchange was broached.¹ As the temporalities were still in the king's hands it would be a simple matter; the two prebendaries had merely to resign and the king could then juggle with them as he pleased. Whether Berkeley ever was in possession of Leighton Buzzard is a little doubtful, but the king certainly represented the case in that light in a letter sent to the pope at the end of 1321. Here he declares that the benefice became vacant by the free resignation of Berkeley at the time when the bishopric was void, and that he then gave it, in accordance with the royal right, of which he believes no one can be ignorant, to his clerk William de Ayreminne. John du Puy-Barsac, he continues, has opposed him on the ground that he accepted the prebend before the bishop's death, but since he never obtained possession this cannot invalidate the royal right. The pope is therefore asked to induce John to desist and to excuse Ayreminne from answering the citation to the papal court, for the king cannot move from his right nor suffer anything to be done in prejudice thereof.² Indeed, on this occasion Edward II showed great persistence in the maintenance of his claim. John de Stratford, who was at this time sent to Avignon to negotiate with the pope concerning Scotland, the truce with that country having now expired, and on other business, was given instructions to protest against the injuries done to the Crown, especially with regard to the prebends of Leighton Buzzard and Milton, about which there was another dispute between pope and king. Stratford, it is well known, won the pope's favour rather than the king's during his mission to the Holy See, and after his return was summoned to give an account of his actions, first before the king's court and then in parliament. He was particularly criticized for his conduct in the matter of these two prebends. To the king's petition John XXII had replied that nothing could be done while the suits were still pending at the papal court. He had declared that the disputes between him and the king were due, not to his own encroachments on royal rights, but to the greed of certain clerks, and he had urged Stratford to tell Edward II not to support those who stirred up strife in this way, for he himself would provide for the king's clerks whenever the king desired him to do so. After this reply, Stratford, who had been empowered by the king's nominees to secure a peaceful settlement, had submitted to the decision of the papal court and resigned the two prebends. In

¹ *Cal. of Pap. Let.*, ii. 197; *Cal. of Chancery Warrants, 1244-1326*, p. 509. Ayreminne was again granted the prebend of Leighton Buzzard 15 July 1320, five days before the temporalities were restored to Burghersh, and Berkeley obtained Buckden: *Cal. of Pat. Rolls, 1317-21*, p. 90; *Le Neve*, ii. 14, 119.

² *Rymer*, ii, pt. i, p. 466.

answer to the complaints brought against him he declared that care had been taken to preserve the royal rights unharmed, but Edward II was not satisfied with his explanations as to the way in which this had been done.¹ At the beginning of 1324, therefore, the king granted the prebend of Leighton Buzzard to Master William de Weston, another of his clerks, and the justices were ordered to send the records of the two pleas tried in 1320 into the chancery.² But the difficulties with France, which soon became serious, forced Edward II to change his attitude. In September 1324 he agreed that Gaillard de la Mothe, the cardinal whose right was disputed, should keep the prebend of Milton for life, and in the following February the proctor of John du Puy-Barsac was given permission to prosecute his master's business in England, and John eventually obtained possession of Leighton Buzzard.³ This, however, was not the end of the story. The king's claim was revived in 1342, but the presentation was revoked soon afterwards because it was said that it had been made in the belief that John was dead, and this was now found to be false.⁴ It was not long, however, before he did die, and on 9 September 1343 the pope granted the prebend to a nephew of Elie de Talleyrand, cardinal of St. Peter ad Vincula, at the cardinal's request.⁵ Such a provision could not be suffered to take effect, and ten days later Edward III granted the benefice to John de Pipe. The records, which still remained in the chancery, were now sent to the justices of the bench, who were ordered to examine them. They declared that the judgement there recorded had never been executed, and a writ was therefore sent to the bishop commanding him to admit the king's presentee.⁶ This was done, and Pipe appears to have enjoyed possession until his death in 1361.

How far the king himself was personally responsible for this policy, and how far it was the work of his officials, it would be difficult to determine. In many cases the benefice was bestowed on some clerk who enjoyed considerable royal favour, and for whom the king was anxious to procure preferment; and in the suits whereby the extension of the prerogative was established Edward I and his successor were, no doubt, deeply concerned. They were determined also to keep the richest English benefices out of the hands of aliens who were not likely to be of any service in the advancement of the king's interests at the papal court, or who, like Elie de Talleyrand, were the subjects of their political

¹ Rymer, ii, pt. i, pp. 542 ff.

² *Cal. of Pat. Rolls, 1321-4*, p. 364. One of Weston's servants was sent to receive the records: *Coram Rege Rolls, loc. cit.*

³ Rymer, *loc. cit.* p. 568; *Cal. of Pat. Rolls, 1324-7*, pp. 93, 119; *1327-30*, p. 553.

⁴ *Cal. of Pat. Rolls, 1340-3*, pp. 399, 438.

⁵ *Cal. of Pap. Let.*, iii, 128, 165. He died at the papal court.

⁶ *Cal. of Pat. Rolls, 1343-5*, pp. 121, 184, 217.

enemies.¹ But once the prerogative right was made clear many needy clerks would make it their business to hunt out or invent some neglected royal right of presentation. There was perhaps some truth in the pope's remark that the multitude of these disputes was due to the greed of those who were seeking preferment. Their cupidity, indeed, equalled that of those who flocked to Avignon in the hope of obtaining provisions, and the position with regard to royal and papal claims was exactly the same. Such clerks did not scruple to oppose men of their own country. Provided they saw a chance of securing some benefice for themselves, it mattered little to them whether the provisor, whose right they were disturbing, was an alien or one of the king's own subjects.² Some would find it more profitable to seek preferment at Avignon, others would find it easier to obtain benefices by applying to the king, while there were, no doubt, many like John de Wodeford who found favour at both courts and advanced papal or royal claims with complete impartiality.³ Thus it was possible for a situation to arise in which an English clerk, backed by his friends and kinsmen, fiercely contended for possession of a benefice from which he sought to drive the incumbent by raking up some papal claim. Such a dispute over the prebend of Bedminster (Salisbury) threatened to become so serious that the sheriff was ordered to go there in person and prohibit any breach of the peace.⁴ In this

¹ Élie, later cardinal of St. Peter ad Vincula, was brother to Archibald, count of Périgord, and cousin to the king of France. John XXII bestowed on him many English benefices, and a good deal of opposition was made to these provisions. In 1324 his goods were seized on the ground that his brother had taken part with the king of France and his army in Gascony: *Cal. of Pap. Let.*, ii. 208, 211, 218, 470.

² Encouraged perhaps by the success with which provisions to other benefices vacated by pluralists had been opposed, Guy Bretoun (Breton) obtained a presentation to the church of Wold Newton, and thereby ousted the provisor, Philip de Daventre. The latter, who had been given the benefice at the request of the king's brother Edmund, presented a petition in parliament declaring that the claim was unjust. He said that the bishop's attorney would not defend the suit of *quare impedit* concerning this benefice, but had made a false recognizance of the king's right: *Cal. of Chancery Warrants, 1244-1326*, p. 498.

³ Chaplain and surgeon to Edward III. In 1331 he secured papal letters conferring on him the prebend of Oxgate (St. Paul's), vacated by Ayreminne six years earlier, but he did not obtain possession until 1338 when, the see of London being void, he was presented by the king: *Cal. of Pap. Let.*, ii. 327, 410; Hennesey, p. 41. In 1329 he was presented to Broadchalk by reason of a voidance in the time of Edward I, but in pursuing his claim to this benefice he appears to have thought it better to rely on a previous provision giving him the expectation of a prebend in the collegiate church of Wilton. Here he was unsuccessful. The king's right was eventually tried in 1334, when judgement was given in his favour, though there is evidence to show that the king had exercised his right of presentation to the benefice after the death of the abbess Petronella, the time from which he took his title, and that his presentee John de Berewyk obtained possession: *Cal. of Pat. Rolls, 1292-1301*, pp. 411-12; *ibid.*, 1327-30, p. 460; *Cal. of Pap. Let.*, ii. 277, 398; Phillips, *Institutiones Clericorum in comitatu Wiltoniae, 1297-1810*, pp. 3, 8, 10, 26; Record Office, *Coram Rege Rolls*, Mich., 8 Edw. III, Rex m. 31 ff. In 1333 he was presented to the prebend of Grimstone and Yatminster by reason of a voidance in the time of Edward II, and this was successfully vindicated (cf. *infra*, p. 525, n. 2). ⁴ *Cal. of Close Rolls, 1333-7*, p. 119.

case the provisor, Richard de Hale, was in the service of Robert Wyville, bishop of Salisbury.¹ As one would expect, the claimant, whether he be a papal or a royal nominee, will often be found to have had some previous connexion with the diocese in which the benefice was situated or with those to whom the patronage belonged, sufficient at any rate to explain how it was he gleaned the necessary information. Such presentations were sometimes made, it appears, without the king's personal knowledge or approval.²

Granted the king's right to present regardless of the rules of lapse, his claim was in many cases well founded, but the aptness with which such claims were advanced arouses suspicions that they were not always sound. Occasionally the judgement given in the king's court was proved by records to have been unjust, and the collation was accordingly revoked,³ while in other instances it is not difficult to see from institution lists and other sources that the decision of the court did not accord with the true facts. There was doubtless a certain amount of connivance on the part of the bishops, many of whom were royal officials and had previously benefited by similar presentations. Certainly such suspicions seem justified in the case of Beaumont, bishop of Durham. It was one of his household clerks, Manser Marmion, who was presented to Long Newton in 1318; so it is not surprising to find that no defence was made against the king's suit.⁴ It was the same clerk who later claimed the rich benefice of Houghton-le-Spring in opposition to Anibaldo Gaetani, cardinal of St. Laurence in Lucina.⁵ Leaving on one side, however, the question of connivance, it was difficult for the ecclesiastical patron to disprove the king's title. If he resisted and then failed to win the case, he ran the risk of incurring a heavy fine or even the loss of his temporalities.⁶ Many preferred to escape such hazards by acknowledging the king's claim at once. It was useless, as Archbishop Corbridge learned to his cost, to allege a papal provision or mandate as an excuse. Even if the ordinary based his opposition on other grounds, he was seldom successful, for the considerable advantage which the

¹ *Reg. Shrewsbury* (Som. Rec. Soc.), p. 125.

² *Cal. of Pat. Rolls, 1340-3*, p. 428. Robert de Kildesby, who craftily procured the letters patent without the king's knowledge, was brother to William de Kildesby, the king's secretary: *Cal. of Pap. Let.*, ii. 591; *Cal. of Pat. Rolls, 1343-5*, p. 15. Innumerable presentations were made in favour of these two clerks.

³ Nassington, *Cal. of Pat. Rolls, 1327-30*, pp. 191, 226, 340: cf. clause 3 of an ordinance for the clergy made in 1351, *Statutes of the Realm*, 25 Edw. III, stat. 6.

⁴ Edward II showed some hesitancy about pursuing his claim, and Richard de Insula, the previous incumbent, seems to have remained in possession: *Cal. of Pat. Rolls, 1317-21*, p. 217; *Cal. of Close Rolls, 1318-23*, pp. 27, 716.

⁵ *Cal. of Pat. Rolls, 1327-30*, pp. 188, 320. In the end John XXII accepted the cardinal's resignation and gave the benefice to Manser: *Cal. of Pap. Let.*, ii. 357.

⁶ In clause 6 of the ordinance for the clergy of 1351 it was promised that the temporalities should not be taken for such reasons.

king enjoyed placed the defendant in an unfair position. The king, unlike other plaintiffs, was allowed to shift his ground ; and so, if his claim broke down on the plea originally put forward, he could always fall back on some other.¹ Unless his opponent could produce the necessary documents to show that the facts alleged on the plaintiff's side were false, his only recourse was to place himself on the country, not a very reliable method. The verdict of the jurors often shows that they had more respect for the power of the Crown than for the truth.² In another connexion John XXII objected to the barbarous custom or rather corruption of abiding by the decision of twelve witnesses, *etiam si de credulitate deponant*, to the prejudice of ecclesiastical liberty.³ He might with reason have complained of the way in which it was used to defraud him of his rights of collation.

It is in fact no exaggeration to say that, whenever the king was determined that a provisor should not obtain possession of some particular benefice, no circumstances made it impossible for a royal claim to be successfully advanced. New circumstances gave rise to new claims. In 1343, for example, when it was desired to prevent Cardinal Talleyrand from securing the deanery of York, it was asserted that even the right to fill elective benefices belonged to the king while the temporalities were in his hands. The deanery, it was argued, had originally been in the archbishop's gift, and though, by some composition between him and the chapter, the latter might have acquired the right to elect, such an agreement could not be held to diminish the patronage enjoyed by the king during a vacancy.⁴ Moreover, it is probable that laymen allowed the king to claim presentations to benefices which they themselves, owing to the regulations about neglected claims, could not assert. In 1327 Edward III presented one of his clerks to the rectory of Fishlake on the ground that it was vacant when the temporalities of the priory of Lewes were seized during the war with France in 1324, in spite of the fact that the temporalities had at that time been handed over to John de Warenne, earl of

¹ *Year Book*, 5 *Edw. II* (Selden Soc.), p. xlvii.

² In later suits concerning the prebends of Grimstone and Yatminster and of Broadchalk this is apparent. In both cases the jurors failed to appear on the appointed day, and the verdict was eventually taken in the presence of one of the justices itinerant. In the former case the king's side declared that the benefice became vacant by the death of Gabriel de Canville, that is in 1319, and was still vacant when the temporalities of the bishopric of Salisbury came into the king's hands on the death of Bishop Mortival in 1330, whereas the bishop declared that it was still held by Thomas de Stanton, who had been admitted by reason of the presentation made on the occasion of the earlier suit. Record Office, *Coram Rege* Rolls, Easter, 8 *Edw. III*, Rex m. 7; Mich., 19 *Edw. III*, m. 104 ff.: for the time of Canville's death see *Cal. of Pap. Let.*, ii. 186. An entry on the patent rolls shows that Stanton was in possession of the prebend in June 1324, though, according to Jones, he was not admitted until 1334: *Cal. of Pat. Rolls*, 1321-4, p. 431; *Fasti Ecclesiae Sarisberiensis*, p. 389.

³ *Cal. of Pap. Let.*, ii. p. 434. ⁴ *Year Book*, 17 *Edw. III* (Rolls Series), p. 525 ff.

Surrey, the descendant of the founder. John XXII about the same time had given the benefice to Master Peter Vaurelli, a clerk attached to the household of the pope's nephew, Arnaud de Via, cardinal of St. Eustace, and for some time the provisor was unable to obtain possession. In 1328 the king eventually abandoned his claim, not, however, it seems on account of any objections raised by the earl, but simply because he did not deem it wise at that time to oppose the cardinal's wishes.¹ Had it seemed desirable to remedy the flaw in the king's title, it is probable that a way could have been found. The king might have brought a *quare impedit* against the earl, who could, had he chosen, have ended the dispute by granting the presentation to the king for that turn. Such a practice was certainly used in order to defraud bishops of their right of lapse, and though in 1314 the opinion of the court was 'that time doth not run against the king when he recovereth of his own title, but if he recover in virtue of the grant of another then time will run',² this appears to have changed before 1351.³

So successful was the policy pursued in England that it is not surprising to find that a similar policy of extending the right of *regale* was adopted in France about 1334. It was claimed too that such questions could be tried in the royal courts only, though it is true that the decisions of the *parlement* appear to have been more equitable than those of the English courts.⁴ Not only is it probable that the French king was copying the example set by Edward I and his successors, but it is also not unlikely that John XXII may have owed something to the same source when he decided that papal rights of collation should no longer be restricted by a time limit. It may well have been that the claims made by the English king were forcibly brought to the notice of the future pope at the time of the Council of Vienne, when he was charged with the duty of classifying the grievances made by the clergy against the oppressions of the secular power. It is certain that he then learned, as he acknowledged in a letter to Edward II in 1318, how in England, more than anywhere else, the church was oppressed and its liberties trampled underfoot.⁵ In spite of Edward II's weakness and his apparent anxiety to

¹ *Cal. of Pap. Let.*, ii. 264; *Cal. of Pat. Rolls, 1327-30*, pp. 123, 228, 315, 334, 453; *Rot. Parl.*, ii. 20, 45.

² *Year Book, 8 Edw. II*, pp. 166-79.

³ To provide a remedy against this it was declared in clause 7 of the ordinance for the clergy of 1351 that ordinaries should in such cases be received to counterplead the title taken for the king, though they claimed nothing in the patronage.

⁴ Mollat, *La Collation des bénéfices*, &c., pp. 126-8.

⁵ Valois, 'Jacques Duese, Pape sous le nom de Jean XXII', in *Histoire Littéraire de la France*, xxxiv. 402. The letter itself is given in full by Guérard, *Documents Pontificaux sur la Gascogne*, i. 116-21.

keep on good terms with the pope, there was no timid submission to the enlargement of papal claims, and long before the antipapal statutes of 1351 and 1353 methods of protection were devised. Pope and king both learned something from the tactics of the other, and both trusted to the law as the chief weapon for defence or attack. The one relied on decrees which were drawn up with careful foresight and rigidly enforced, while the other relied on the flexibility of the prerogative and on the skill of those loyal servants, the king's justices.

ANN DEELEY.

The Military Expedition of Sir Charles Morgan to Germany, 1627-9

WHEN Christian IV of Denmark entered the Thirty Years' war in 1625, he expected to receive powerful assistance, particularly from his nephew Charles I of England. In the hope that the new champion of the protestant cause would restore his sister and brother-in-law Elizabeth and Frederick to their lost Palatinate lands, Charles in June 1625 promised Christian a monthly payment of £30,000 until a quota of 6,000 foot and 1,000 horse could be furnished.¹ The promise was repeated in the following November by the treaty of The Hague, an alliance formed between England, Denmark, and the United Provinces.² Of the English subsidy, an initial payment of £46,000 was the last ; for the first parliament of Charles I refused sufficient funds, while the second parliament not only refused the necessary grants, but expressed its complete disapproval of the conduct of foreign affairs by the impeachment of the favourite Buckingham.³

To Christian, deserted by his allies, the inevitable disaster came at Lutter on 17 August 1626, when Tilly, reinforced by some of Wallenstein's regiments, completely defeated the Danish army. The news reached Charles on 12 September. Now that the damage was done, he spoke of sending 10,000 men to his uncle's assistance. For their payment he even went so far as to order the sale of 40,000 ounces of plate at five shillings the ounce, plate which, according to a contemporary estimate, had cost his progenitors four times that amount.⁴ He hastened to Whitehall from Theobalds,⁵ and for four hours discussed with the council his uncle's desperate position. The suggestion was here made to send him the four English regiments in the Dutch service whose term of service would expire in November. Charles also pressed the council to agree that all who refused to pay on the issue of privy seals should be sent abroad to serve under the Danish king. At

¹ Instructions to Anstruther, 10 May 1625 ; State Papers, Foreign, Denmark, vi, fo. 72.

² Treaty in Roe, *Negotiations in his Embassy to the Ottoman Porte*, p. 464.

³ Gardiner, *History of England*, v. 344-8 ; vi. 98-121.

⁴ To Rev. Joseph Mead, 15 September 1626 ; *Court and Times of Charles I*, i. 148.

⁵ Finetti *Philoxenis*, p. 184.

the end of the council's session, Charles sent for the Danish ambassador, and assured him that he would stake his crown and his life in his master's defence. With the tears almost standing in his eyes, he reminded the Dane that he was in distress for his own personal ends.¹ And yet, a month later, Rosencrantz was pleading with the council that the four regiments should be dispatched from the Netherlands, and above all, money to prevent a mutiny in the Danish army.²

When the report of the coming of the English regiments reached Christian, he gave public signs of his great pleasure. His hopes were immediately dashed to the ground when he received a letter from Rosencrantz to the effect that Charles and Buckingham had decided that the troops were to be otherwise employed. It was not until the beginning of November that it was finally decided to send the regiments, and arrangements were made for paying them temporarily.³

Until the last moment, the question of the command appears to have been unsettled. It was offered to Lord Willoughby, who the month before had led an unsuccessful naval expedition to the Bay of Biscay. He declined, alleging 'indisposition of body'. Edward Cecil, Lord Wimbledon, was expected to fill his place;⁴ but the final choice fell on Sir Charles Morgan,⁵ a soldier of reputation and some thirty years' experience. He had distinguished himself under the Veres in the Dutch wars, and was knighted for his services. In 1622 he commanded the English troops at the siege of Bergen-op-Zoom, and in 1625 was in Breda when that city was captured by Spinola.⁶ The Venetian ambassador at The Hague spoke of him as the best of the subordinate officers in this campaign.⁷ Morgan was to carry with him a jewel belonging to Charles valued at £100,000, which was to be pawned for the king of Denmark. When Christian heard of this arrangement, he was bitterly disappointed. Not only did the supposed value of the jewel fall far short of the £600,000 due to him by the treaty of The Hague, but there was no prospect of raising any money at all on jewels. 'Let God and the world judge,' he wrote to England, 'whether this be answerable or Christian-like dealing.'⁸

¹ Gardiner, vi. 140.

² Rosencrantz to the Privy Council; undated, but speaks of a month passing since the news of the battle of Lutter had arrived. *State Papers, Foreign, Denmark*, vii, fo. 241.

³ Gardiner, vi. 145.

⁴ To Rev. Joseph Mead, 17 November 1626; *Court and Times*, i. 170.

⁵ [Conway] to Morgan, 24 November; *State Papers, Foreign, Denmark*, vii, fo. 238.

⁶ Sir Charles Morgan (1575?-1642) in *Dictionary of National Biography*; George T. Clarke, *Limbus Patrum Morganiae et Glamorganiae*, p. 327.

⁷ Contarini's dispatch, 4 November 1624; *Cal. of State Papers, Venetian*, xviii. 478.

⁸ Statement by the king of Denmark, 26 February 1627, endorsed: 'K. of Denmarks pretences of what is due from England'; *State Papers, Foreign, Denmark*, viii, fo. 14.

The expedition began most inauspiciously. The strength of the regiments when they entered the Danish service was 5,013; but in March 1627 only 2,472 embarked at Enkhuizen on the Zuyder Zee.¹ Morgan, in a towering rage, gives the following account of the loss of more than one half of his army: 'At our embarking I find most of our best men run away, through the ill usage of their officers.' Most of these officers he writes are of Gray's Inn, Lincoln's Inn, or Middle Temple, where they have learned to play the mauvais garçon that they can hardly be made fit to know what belongs to command, but in time I hope to bring them to better experience, or else I'll show them the way to break their necks.

Among the missing were captains, sergeants, and drummers, whose names deserved to be 'nailed on the gallows, being themselves officers and partly cause of the running away of the rest. In all the thirty-seven years I have been in the service', complained Sir Charles, 'I was never troubled with such a confusion as these four regiments have put me to at the present'.²

Christian wished Morgan to land on the Weser near Bremen, but he had already arranged to disembark the troops on the Elbe and he did not wish to change his plan.³ The king, hearing of their arrival, wrote to Charles: 'They are so few that they are almost unprofitable.'⁴ Even so, to show his appreciation, he offered Morgan the generalship of all his infantry.⁵ To bring the number up to the requirements, men were pressed against their will, in some cases for refusing to pay the forced loan.⁶ There is one remarkable case of fifty Essex men who on refusing to pay the loan would not accept the press money, and the privy council saw no way out but to rescind the order of their impressment.⁷ There were constant mutinies among the recruits.⁸ One body of men billeted in the London suburbs terrorized the inhabitants⁹ until they were driven on board the ships on pain of death; but some hundred broke away while embarking.¹⁰ By such methods the muster-roll on 6 June was brought up to 4,913.¹¹

¹ Strength of the four regiments since their entrance into the service of the king of Denmark, 8 November 1627; *State Papers, Foreign, Denmark*, viii, fo. 369.

² Morgan to Conway, 13/23 March; Morgan to Conway, 17/27 March 1627; *ibid.* viii, fos. 41, 52.

³ Anstruther to Morgan, 27 February; Morgan to Conway, 13/23 March; *ibid.* viii, fos. 22, 43.

⁴ Christian to Charles, 9/19 April; *ibid.* viii, fo. 70.

⁵ Anstruther to Conway, 20 April; *ibid.* viii, fo. 79.

⁶ Gardiner, vi. 165; Rushworth, i. 422.

⁷ Meade to Stuteville, 17 March, 24 March; *Court and Times*, i. 207, 208.

⁸ Conway to the council, 23 April; Wimbledon to the council, 23 April; *Cal. of State Papers, Dom.*, 1627-8, pp. 146, 147.

⁹ To Rev. Joseph Mead, 13 April; *Court and Times*, i. 217.

¹⁰ Conway to the earl of Manchester; Captain Gosnald and Saltonstall to the council, 23 April; *Cal. of State Papers, Dom.*, 1627-8, p. 146.

¹¹ Strength of the four regiments, 8 November; *State Papers, Foreign, Denmark*, viii, fo. 369.

Christian had begun the building of a sconce on the Weser, two miles above Bremen, to prevent Tilly from obtaining supplies from that city. Now, hearing that the enemy was marching towards the fortification, the king ordered Morgan to protect it. Accordingly, towards the end of April, Morgan, reinforced by 1,000 Scots of 'MacKeye's regiment',¹ a German regiment (Hatzfeld's), and a few hundred horse, took up his quarters at Achim, about ten miles south-east of Bremen.² In June Morgan moved his camp to the junction of the rivers Weser and Aller. The general's letters are full of complaints. The forts were weak and there was danger of attack from across the river, which was now fordable. His strongest regiment, Hatzfeld's, a company of Scots, and the best regiment of horse, had been recalled by Christian, and half of those remaining were untried men.³ Worst of all, the pay was irregular. The officers had an additional complaint, for Christian had given orders to reduce the companies from the nominal 300 to 100 actual men each, and to reduce the pay of the officers in proportion.⁴ An order for the July pay arrived only in time to prevent a mutiny; but this did not end the matter, for the merchants of neither Hamburg nor Bremen would honour the bill. Morgan, in a letter to Carleton, blames Sir Robert Anstruther for this confusion, saying the English ambassador 'goes so along with this king [Christian] in all his humours that we suffer and fare much the worse for it'.⁵ The explanation is rather to be found in the failure of the monthly payments. Rosencrantz, when he left England in May, carried with him only £10,000,⁶ while the jewel had as yet realized no money.⁷ So dissatisfied were the men that Morgan feared that if attacked they would turn their backs.⁸ It is a wonder that this handful of men were not overpowered by the twelve regiments of the enemy opposing them.

As a consolation to the Danish king, Edward Clarke, Buckingham's confidant, was sent to him to point out that the expedition to the Isle of Rhé was a diversion against a common enemy, France, and promising to take steps for the prompt monthly payment of the troops.⁹ Clarke set out in August with an order

¹ 'MacKeye's regiment' had been levied in Scotland in August 1626, by Donald Mackay, Baron Reay. It landed at Glückstadt in October 1626 and spent the winter in Holstein: Robert Monro, *His Expedition with the worthy Scots Regiment (called MacKeye's Regiment)*, &c. (1637).

² Morgan to Conway, 23 April; Anstruther to Conway, 20 April; State Papers, Foreign, Denmark, viii, fos. 86, 76.

³ Morgan to Conway, 12/22 June; *ibid.* viii, fo. 132.

⁴ Morgan to Carleton, 29 June; *ibid.* viii, fo. 163.

⁵ Morgan to [Carleton], 8 July; *ibid.* viii, fo. 174.

⁶ [Conway] to Anstruther, 22 May; *ibid.* viii, fo. 93.

⁷ Anstruther to Conway, 11 July; *ibid.* viii, fo. 182.

⁸ Morgan to Conway, 23 July; *ibid.* viii, fo. 203.

⁹ Instructions to Clarke, 27 July; *ibid.* viii, fo. 213.

for a month's pay and 1,400 pressed men. The hope of pay prevented Morgan's soldiers from disbanding. As to the recruits, they lost their colours on their arrival, and then proceeded to go off in bands of one or two hundred, some saying that they were seeking General Morgan, some that they would go to the king to lay complaints before him, while others, 'seduced by more experienced rogues', were looking for any master who would pay them three or four dollars a man.¹ Anstruther was able to recover half of them, though they could have been of little use as soldiers.

All in vain, Christian sent his ambassadors, George Brahe and Christian Thomensen, to England with the object of persuading Charles to come to terms with France, so that adequate assistance might be given against the real enemy. Charles, led by Buckingham, stubbornly refused to be diverted from the ill-fated French war.²

The Danish king's position was desperate. At the end of July, Tilly crossed the Elbe in spite of the stubborn defence of four companies of MacKeye's regiment under the command of Major Dunbar, and one hundred English soldiers. A Dutch company 'went basely off during the night of the attack'.³ Wallenstein, released by the peace made between Bethlen Gabor, prince of Transylvania, and the emperor, met Tilly at Lauenburg towards the end of August. With only 8,000 men at his command, Christian could offer no resistance to Wallenstein's victorious army of 25,000 men: placing his troops in Krempe, Stade, and Glückstadt on the Elbe, he and his wife and children fled to Holstein in a small open boat.⁴ On 13 September, the day of his flight, he dispatched a letter to Charles, wherein he laid the blame of all his misfortunes on the delaying and denying of the promises made to him.⁵ The next day 8,000 troops under the command of the margrave of Baden were overwhelmed by an army of 25,000 imperialists at Heiligenhafen. The emperor, at the diet of Mülhausen, proclaimed conditions of peace which would have banished the king to his island possessions.

Morgan's men on the Weser were at this time reduced to about 2,000 men, though not more than 1,600 were fit for service. Many had died of sickness, exposure, and lack of food. With the English

¹ Clarke to Conway, 23 August; State Papers, Foreign, Denmark, viii, fo. 253.

² The ambassadors arrived in London on 24 August, *Cal. of State Papers, Venetian*, xx. 353. Contarini's dispatches contain many notices of their fruitless negotiation. They left for France on 22 December; *Finetti Philoxenis*, p. 237. See also Charles to Buckingham, 1 October; *Hardwicke State Papers*, ii. 17.

³ Anstruther to Carleton, 1 August; extract of Anstruther's dispatch, 6 August; *ibid.* viii, fos. 233, 237; *Monro, op. cit.*, pp. 10-12.

⁴ Clarke to Conway, 7/17 September; State Papers, Foreign, Denmark, viii, fo. 267.

⁵ Christian to Charles, 13 September; *ibid.* viii, fo. 283.

were 700 horse and 1,000 Dutch infantry.¹ There was no money, for the paymaster, Julian Calandrini, refused to pay on the bill brought by Clarke, alleging that he had already paid out more than had been issued in England.²

Early in September, Morgan was forced out of his sconces and crossed the Weser, taking up quarters near Bremen. The count of Anholt, Tilly's lieutenant, with five regiments of foot and five of horse, encamped directly across the river. Although they outnumbered Morgan three to one, and possessed ordnance, which Morgan lacked, they did not cross over. After a month, a letter arrived from Christian ordering the force to join him in Jutland. But after consultation with the Dutch resident and the Danish commissioners at Hamburg, Anstruther had meantime arranged for the withdrawal of Morgan's men into Stade.³ Disregarding the king's order, he accepted this offer, and by the sacrifice of most of the 150 or 200 musketeers left behind to guard the passage, the main body by rapid marches reached Stade in safety.⁴ Arriving at the town, he found that no preparations had been made for the entertainment of his men, and they were forced to wait outside the gates for two days.⁵ There were already 1,000 English troops and eight companies of newly arrived Scots in Stade, without food or clothing and actually starving in the streets.⁶

At length [writes the general] by forcible persuasion rather than by any violent means we came into the town. The burghers, but by compulsion, would not have any of our men billeted in their houses, the cold winter weather is come upon us, our soldiers are bare and naked and no monies to be had from Calandrini [the paymaster] neither to officer nor soldier.⁷

The troops were soon on the verge of mutiny, while many preferred desertion to dying of hunger. Most difficult to manage were the 'red-shanks' [i. e. the Scots], who being 'very disorderly and rude' showed the way to the English troops 'to fall into any tumult or mischief'.⁸

In desperation, the jewel was pawned for 50,000 or 60,000

¹ Anstruther to Conway, 29 September; *ibid.* viii, fo. 312. An abstract of the muster-books gives the total number at 4,707 in August, 4,412 men in September, and 3,764 in October: State Papers, Foreign, Germany (States), xxxiv, fo. 241.

² Extract of Anstruther's letters, 12 September; Anstruther to Conway, 15 September; State Papers, Foreign, Denmark, viii, fos. 281, 285.

³ Morgan to [Privy Council?], 14 October; *ibid.* viii, fo. 338; Donald Lupton, *Warre-like Treatise of the Pike*, London, 1642, p. 82; extract in Firth, *Cromwell's Army*, p. 396.

⁴ Anstruther to Conway, 22 September; State Papers, Foreign, Denmark, viii, fo. 298.

⁵ Morgan to [Privy Council?], 14 October; *ut supra*.

⁶ Extract of Anstruther's letter, 27 September; State Papers, Foreign, Denmark, viii, fo. 308.

⁷ Morgan to [Privy Council?], 14 October; *ut supra*.

⁸ Sir James Livingstone to —, 2 November; State Papers, Foreign, Denmark, viii, fo. 367.

dollars, which sum it was hoped would keep the garrison in victuals and ammunition for five weeks.¹ When that was at an end, Anstruther succeeded in borrowing 13,000 dollars from the English Merchant Adventurers at Hamburg, on a warrant calling for a monthly payment of £10,000. The warrant itself was worthless, for Burlamachi, the banker in England in charge of the finances of the Danish venture, had given Calandrini orders not to pay any more money until further notice.

At the beginning of the new year (1628), Morgan, despairing of assistance, declared, 'I will not yet abandon myself, nor this place, as long with cat and dog (our present diet) we shall be able to feed an arm to that strength that it may lift a sword: for this is my resolution.'² For a short time outworks were maintained, but these soon fell into Tilly's hands.³ One attack by Tilly was repulsed with a loss of 500 men to the enemy.

In March Morgan made a final appeal to Buckingham. His troops, he said, 'seem to be forgotten of all the world'. Their money was long spent, provisions were growing shorter every day, and there was no assurance of relief.⁴ Then he was buoyed up by the hope that Christian would send troops to him in Stade, for the king had written promising to come to his assistance. This promise was not kept, and, deserted both by England and Denmark, Morgan was compelled to sign an agreement of surrender on 25 April 1628.⁵ He would not have permitted his men to starve and suffer so long, wrote Morgan, had he not relied on the king's word.⁶

By the terms of the surrender, the troops were furnished with a convoy to march towards Holland. They were not permitted to take service again with the king of Denmark before the elapse of six months; but if they first went to England they were free from this obligation.⁷ The weary half-starved men marched out with flying colours, 'drums sounding, armed with their arms, burning matches, filled bandoliers, balls in their mouths, according to martial custom, and to the honour of valiant soldiers'.⁸ About 1,000 sick and wounded were transported to Glückstadt by ship. The rest made their way to Zwolle, where a muster made on 17 May showed about 1,400 English soldiers and 230 Scotch.⁹

¹ Anstruther to Carleton, 4 October; State Papers, Foreign, Denmark, viii, fo. 323.

² Morgan to Conway, 25 January 1628; *ibid.* ix, fo. 30.

³ Lupton, *op. cit.*, p. 69, extract in Firth, *op. cit.*, p. 395.

⁴ Morgan to Buckingham, 18 March 1628; *Cal. of State Papers, Dom.*, 1628-9, p. 25.

⁵ Agreement of surrender, 25 April/5 May; State Papers, Foreign, Denmark, ix, fo. 113.

⁶ Morgan to Conway, 3 May; *ibid.* ix, fo. 127.

⁷ Agreement of surrender; *ut supra*.

⁸ *Ibid.*

⁹ Abstract of muster taken at Zwolle, 17/27 May; State Papers, Foreign, Denmark, ix, fo. 131.

800 men left behind with the king of Denmark were without pay or provisions.¹

With little prospect of assistance from any quarter, Christian agreed to treat for a peace and decided to send four of his councillors to meet the emperor's representatives at Lübeck. That he still hoped for help from Charles is shown by the return from France of the ambassadors Christian Thomensen and George Brahe.² A commission to treat with them was appointed on 26 June 1628.³ At the beginning of June, when the acceptance of the Petition of Right seemed to assure the voting of subsidies, plans had already been made by the privy council to assist the Danish king. Glückstadt and Krempe, which still held out, were to be garrisoned by Morgan's men. The regiment was to be reduced to 1,500, and offered for temporary service to the Dutch, who were to feed and lodge them, while England looked after their pay.⁴ To satisfy the conditions of the Stade capitulation, the troops were to touch at Harwich and then proceed to Glückstadt. Two thousand men would be levied or taken from the Rochelle expedition and sent to Morgan. Instructions⁵ in accordance with these plans were issued to Morgan, who had returned to England in June.⁶ A further promise was made to send five ships to the Elbe to prevent the victualling of the enemy by the Hanse towns.⁷

While these negotiations were proceeding, Christian's position was made still more hopeless. To be sure, for the first and only time throughout the war, Swedish and Danish soldiers fought side by side to defend Stralsund from Wallenstein's attack. Yet the alliance, if such it can be called, was but a fleeting one. Gustavus Adolphus, urged by Charles to go to the assistance of his hard-pressed uncle, replied on 12/22 June :

We could wish our counsels had been heretofore accepted of and followed ;⁸ our friends would then never be come to this misery. . . . If now your Highness, according to your promise, would now also effectually show your assistance, and withal persuade also the States of the United Provinces to join also their help, then would we yet more force ourselves to show how much we desire the common safety.⁹

¹ Anstruther's account, 9 June ; *ibid.* ix, fo. 160.

² Contarini's dispatches, 7/17, 15/25 June ; *Cal. of State Papers, Venetian*, xxi, 126, 187.

³ Commission to Buckingham, Pembroke, Conway, Carleton, 26 June 1628 ; *State Papers, Foreign, Treaty Papers*, ii.

⁴ Gardiner, vi. 332 and note 2.

⁵ Instructions from the Privy Council to Morgan, 8 August ; *State Papers, Foreign, Denmark*, ix, fo. 192.

⁶ Contarini's dispatch, 20/30 June ; *Cal. of State Papers, Venetian*, xxi, 156.

⁷ Negotiations of Brahe and Thomensen with the commissioners, undated, July (?) 1628 ; *State Papers, Foreign, Treaty Papers*, ii.

⁸ Gustavus Adolphus refers to the offer of an alliance which he made to James I in 1624, and which James rejected. See Gardiner, v. 294-8.

⁹ Gustavus Adolphus to Charles, 12/22 June 1628 ; *State Papers, Foreign, Sweden*, iii, fo. 5.

Stralsund was saved, but Christian, who had again taken up arms, was completely defeated by Wallenstein at Wolgast on 12 August.

On the departure of Brahe and Thomensen, the discussions were continued by the ambassador Rosencrantz, who returned to England at the end of September.¹ A new commission was appointed to deal with him,² though his repeated appeals for money and men to relieve Krempe were met with further promises only.³ The murder of Buckingham made some difference, for Weston, a member of the new commission, was averse to the expenditure of further money for the German wars, and refused to send to the Elbe any of the men or ships returning from Rochelle.⁴

Morgan, before returning to his regiment, attended the king at Southwick, and requested that those officers returning from the Low Countries be given satisfaction for their pay.⁵ But a year later we find eighteen officers complaining that they had received so small a part of the sums due that they had run into debt and were in danger of perpetual imprisonment.⁶ With the coming of winter, the sending of recruits was impossible, even if ever seriously entertained, and the six months since the surrender of Stade being almost at an end, the order to Morgan to touch at Harwich was rescinded. Instead he was to sail directly to Glückstadt. The number of men under his command had dropped to 1,200 in October 1628. The desertions are not surprising, for the men had neither clothes nor money; the commander himself had not received his pay for a year. He suggested that if he could only offer clothes, the soldiers would return to the colours.⁷ Morgan arrived in the Elbe on the last day of October, and two days later Krempe surrendered to Wallenstein.⁸ When the news reached England, Secretary Coke wrote to Morgan that he need expect no reinforcements for the present.⁹

Glückstadt was badly suited for the occupation of the English troops. A plague had been raging and it was necessary to build new houses. The governor, Colonel Marguard Ranzow, was severely blamed for the shocking conditions. 'The houses are so nasty and ill-kept', wrote Morgan, 'and the place so vile, that

¹ Dorchester to earl of Carlisle, 30 September; *Court and Times*, i. 403.

² Commission to Weston, Pembroke, Holland, Conway, and Dorchester, 28 September; State Papers, Foreign, Denmark, ix, fo. 221.

³ Proposition of Rosencrantz, 20 September; answer to Rosencrantz, undated; State Papers, Foreign, Treaty Papers, ii. Rosencrantz to Dorchester, 27 September; Rosencrantz to Conway, October; Memorials of Rosencrantz, 14 November, 14 February, 1629; State Papers, Foreign, Denmark, ix, fos. 219, 271, 273, 301.

⁴ Gardiner, vi. 372.

⁵ Conway to Weston, 29 July; *Cal. of State Papers, Dom.*, 1628-9, p. 237.

⁶ Petition of eighteen officers to the council of war, 25 June 1629; *ibid.* p. 590.

⁷ Morgan to Conway, 11 October; State Papers, Foreign, Denmark, ix, fo. 242.

⁸ Morgan to [Conway], 8 November; *ibid.* ix, fo. 283.

⁹ Coke to Morgan, 24 November; *ibid.* ix, fo. 326.

the governor seemeth more fit to keep hogs than to have the command of so many brave soldiers.'¹ Leaving his soldiers on shipboard, he hastened to Hamburg² to arrange for the securing of food, tobacco, warm coats for sentry duty, and straw mattresses.³ No provision had been made for payment, though fortunately the English merchants were willing to lend him £500.⁴ After consultation with the Danish commissioners and the Dutch resident, it was agreed to land the 1,200 men in spite of the wretched quarters available.

On his return to Glückstadt on 1 December, Morgan found that the troops had not yet disembarked. During his absence a quarrel had arisen between them and the governor, and that 'base fellow' had turned his guns on the English ships, ordering them out of the harbour. 'Verily had I been in the town I would have thrown him headlong into the haven,' wrote the irate general.⁵ After landing the men he returned to Hamburg, vowing not to return until he, and not the governor, was in charge of Glückstadt, while the governor informed the Danish king that if Morgan commanded, he wished to be employed elsewhere.⁶

Lieutenant-Colonel Sir Thomas Conway, a son of Secretary Conway, remained in charge. His position was not a pleasant one. On 10 December his officers called on him and Sergeant-Major Wentworth, threatening that they would leave in a body if their pay was not forthcoming.⁷ The next day, after the distribution of the daily ration of 1½ lb. of bread, ½ lb. of cheese, and two herrings a man, 200 soldiers mutinied and refused to take the food without their pay. The rebellion was quelled, although the officers showed little inclination to assist their commander.⁸ Morgan afforded temporary relief by sending £400 for the payment of the English soldiers, but the Dutch troops were deserted by their commissioners.⁹ When affairs were at their lowest, a new paymaster, Joseph Bere, arrived with an order for £10,000 and food to last until March.¹⁰ There was again a confusion of accounts, so that the credit dwindled to £6,000.¹¹ While the money lasted, the soldiers received half-pay, the other half going for food. The

¹ Morgan to Conway, 17 November; *ibid.* ix, fo. 319.

² The above letter is written from Hamburg.

³ Morgan to —, 23 November; *ibid.* ix, fo. 324.

⁴ Morgan to Conway, 17 November; *ibid.* ix, fo. 314.

⁵ Morgan to D. Carleton, 1 December; *ibid.* ix, fo. 335.

⁶ Anstruther to Conway, 19 December; *ibid.* ix, fo. 358.

⁷ Sir Thomas Conway to Anstruther, 10 December; the captains to Anstruther, 10 December; *ibid.* ix, fos. 343, 346.

⁸ Sir Thomas Conway to Morgan, 11 December; *ibid.* ix, fo. 350.

⁹ Morgan to Conway, 13 December; *ibid.* ix, fo. 354.

¹⁰ Anstruther to Conway, 19 December; Bere to Dorchester, 31 January 1629 *ibid.* ix, fo. 359; x, fo. 20.

¹¹ Morgan to Dorchester, 7 March 1629; *ibid.* x, fo. 67.

Dutch commissioners also finally returned from the States, bringing funds for their troops.¹ Morgan received small comfort from Christian. The king blamed him for the loss of Krempe because he did not bring sufficient troops to relieve it, and added that it would also be his fault if Glückstadt were lost.²

It would have been more to the point if the king had directed his criticism at those responsible in England. The struggle between Charles and his parliament from January to March 1629 made the granting of subsidies for the German war an impossibility. Sir Thomas Roe, who had returned to England from Constantinople in January, easily persuaded the privy council that 6,000 men and forty ships should be sent to the aid of the king of Denmark.³ But the farthest that parliament would go was to petition Charles for a public fast 'upon the observation of the continued increasing miseries of the Reformed Churches abroad'. Charles, granting the request, remarked: 'Fighting would do them more good than fasting; though I do not wholly disallow of the latter.'⁴ After the dissolution, Anstruther was told that 'the hopes which were built upon the good success of parliament are already come to nothing by the disobedient and seditious carriage of some disaffected persons in the house of commons'. Patience, and a warning 'not to press his Majesty, [of Denmark] as his ambassador doth here daily both unseasonably and importunely, to impossibilities', were the only remedies offered.⁵

In the middle of March 1629, Christian hoped to make one more stand in the field, and wrote to Morgan to be in readiness to join him in Holstein or Jutland.⁶ The plan was to concentrate a force on the adjoining islands of Föhr and Sylt on the Schleswig coast, and from there to make a surprise attack on the mainland. Morgan set sail on 10 April with two companies of Scots and three of Dutch, leaving 2,000 men in the town.⁷ He was to meet the four English companies which had wintered in Denmark, a Scottish regiment, and four Dutch companies. When gathered, they numbered about 4,750 men. The enemy, hearing of the movement, dispatched four regiments of foot and 1,000 horse under Slick, to prevent their progress on the mainland.

Morgan was despondent. 'I see that I must bear patiently according to the time', he wrote, 'for I see that our business of

¹ Morgan to Dorchester, 21 February 1629; State Papers, Foreign, Denmark, x, fo. 45.

² Morgan to the Privy Council, 1 February (1629); misplaced in *ibid.* vi, fo. 31.

³ Gardiner, vii. 98.

⁴ Rushworth, i. 650-1.

⁵ [Dorchester] to Anstruther, 9 March; State Papers, Foreign, Denmark, x, fo. 79.

⁶ Anstruther to Dorchester, 14 March; *ibid.* x, fo. 85.

⁷ Thomas Conway to E. Conway, 30 March; Morgan to Dorchester, 8 April; *ibid.* x, fos. 125, 131.

war is forgotten in England.'¹ But three weeks later he was in high spirits, for the island of Nordstrand, commanding the rivers Hever and Eider, was captured after a short cannonading of the fort. Four hundred imperial troops and some commanded by the duke of Holstein-Gottorp² surrendered, and the duke himself narrowly escaped.³ The victory was short-lived, for on 3 June Morgan received the king's letter announcing a truce of four weeks.⁴ His reception of the news is disclosed in the following letter :

This morning I received a letter from the king by one of his trumpeters, the noise of whose instrument sounded not well to those of my profession, but being it is so we must have patience and hope for a better war, for this war was ever full of complaints and necessities whereof I have had my share and have been therewith extraordinarily troubled, and I hope never to be put to the like again.⁵

His troops were dismissed with scant ceremony and shipped to Holland.⁶ So ended the expedition of Sir Charles Morgan, the only military assistance given by Charles to Christian of Denmark in his struggle against the emperor.

The peace of Lübeck, ratified on 28 May 1629, was a moderate one, for although Christian was forced to renounce all claim to the north German ecclesiastical lands and to the leadership of the Lower Saxon Circle, yet no indemnity was demanded, and his own lands were restored to him.⁷ But the defeat rankled, and England was blamed. Two months later, Sir Thomas Roe, sent on a mission to the Baltic to mediate in the war between Sweden and Poland, was told of the king's 'passions [which] break out often upon the English, and of his grief and shame to have been forced to make a losing peace'.⁸

E. A. BELLER.

¹ Morgan to Dorchester, 22 April; *ibid.* x, fo. 143.

² Duke Frederick of Holstein-Gottorp embraced the imperial cause in September 1627; Chaveriat, *Histoire de la guerre de Trente ans*, i. 427.

³ Morgan to Dorchester, 12 May; State Papers, Foreign, Denmark, x, fo. 158.

⁴ Christian to Morgan (translation), 20/30 May; *ibid.* x, fo. 173.

⁵ Morgan to Dorchester, 3 June; *ibid.* x, fo. 181.

⁶ Anstruther (abstract) 11 July; *ibid.* x, fo. 217. Roe to Frederick, Elector Palatine, 14/24 July; *Camden Miscellany*, vii, p. 33.

⁷ Gindely, i. 445; *Cambridge Mod. Hist.* iv. 109.

⁸ Answer of the king to Roe, 4 August; State Papers, Foreign, Denmark, x, fo. 253.

[*The Treaty of Abo and the Swedish Succession*

THE defensive treaty between Great Britain and Russia, which became the ostensible basis of their relations during the remainder of the war of the Austrian Succession, was signed by Sir Cyril Wich on 11/22 December 1742. In a previous article,¹ narrating the prolonged negotiations that preceded this treaty, it was pointed out that its desired result, the co-operation of Russia with the maritime powers in support of Maria Theresa, was not likely to be attained, unless British diplomacy could achieve three other successes. These were—(1) the restoration of peace between Russia and Sweden, in order to free Russia from this pre-occupation in the north; (2) the fulfilment of a promise to Prussia that Russia's accession to the treaty of Breslau should be obtained; and (3) the reconciliation of Elizabeth of Russia with Maria Theresa, who belonged through her mother to the dreaded, and therefore the detested, house of Brunswick. All these things were in the end more or less successfully accomplished, but not without several vicissitudes, and by no means altogether through the efforts of British diplomacy. This partial diplomatic failure, which began with the Swedish negotiations, helps to explain why Russia ultimately intervened as an auxiliary and not as a belligerent, and too late to affect the issue of the war; and also why the provisions of the Anglo-Russian treaty, though it was not repudiated and was frequently appealed to, were never carried out.

The first and most pressing problem, the settlement of peace between Russia and Sweden, seemed at first sight a very simple one. Nothing but a series of disasters could have induced the tsaritsa to give up any of the Baltic provinces, whose acquisition she regarded as her father's greatest achievement. As the disasters had been wholly on the side of Sweden, even France was forced to own that any cession by Russia to the defeated foe was out of the question. Instead of losing Livonia, Russia in the course of 1742 occupied the Swedish province of Finland. The only question was whether she would insist, as many Russians desired, upon keeping her conquest, or whether she would be willing to purchase

¹ *Supra*, p. 354.

an early peace by magnanimously restoring the whole or part of it. English policy in the matter was perfectly clear. England desired neither to strengthen Russia nor to weaken Sweden, but she did most earnestly desire to destroy French influence in both countries. Carteret, who was familiar with Baltic problems, wanted a prompt and a stable peace. If he could have had his way, both belligerents would have invited English mediation, and that mediation would have been employed to obtain the best possible terms for Sweden, so as to avoid the creation of a new sore in the relations of the northern powers. At the same time the negotiation might be utilized to cement the good understanding between England and Russia, which Sir Cyril Wich was endeavouring to bring about with the help of the Bestuzhev brothers, and to complete the severance between Russia and France, which began with the rejection of French mediation and the departure of La Chétardie from St. Petersburg. At the beginning of 1742, out of gratitude for French backing at her accession and in bitter distrust of Austria and England, Elizabeth had gone so far as to invite Louis XV to mediate in her quarrel with Sweden. But this invitation was speedily withdrawn when it was disclosed to her that France had encouraged Sweden to enter upon the war, that the Swedish forces were financed by French subsidies, and that France was urging the Turks to make a diversion in southern Russia in order to relieve the pressure on the Swedes.¹ A later offer of mediation from Denmark was, on account of Danish hostility to the house of Holstein, unhesitatingly rejected.² Thus the way seemed to be cleared for English mediation, and Wich was instructed to induce the Russian court to ask for it. Once peace was made, with France excluded from all voice in it, it was hoped that both Russia and Sweden might be persuaded to join the maritime powers in a great anti-Bourbon coalition.

Unfortunately for Carteret, Elizabeth and her ministers were determined to make their own agreement with Sweden, without the intervention of any third power. On the pretext that, after rejecting the offers of France and Denmark, it would be an insult to those powers to accept the services of another state, English mediation was politely but firmly declined. Even so, as Wich pointed out, England might indirectly obtain control of the negotiation.³ But a new and unforeseen obstacle arose when Elizabeth

¹ See Amelot to d'Alion, 5 July 1742 (Rimbaud, *Recueil, etc.*, *Russie*, i. 491. Amelot attributed the alienation of Russia to the disclosure of a letter, intercepted by Austria, which he had written to Castellane, the French ambassador at Constantinople.

² Wich to Carteret, 2 September, 1742 (*Recueil*, xcix. 56): 'I know that this court has declined accepting the offer in a manner which will not be very agreeable to the Danish court.'

³ Wich to Carteret, 4 October (o.s.) 1742 (*Recueil*, xcix. 93): 'These ministers, having at the beginning rejected the mediation of France with regard to the peace with

insisted upon complicating the peace settlement by mixing it up with the question of the succession to the Swedish throne. On the terms of peace England and Russia were not likely to see eye to eye. Russia wanted to keep as much of Finland as possible,¹ whereas England undoubtedly wished and expected that the whole of the province should be restored to Sweden. On the succession problem the views of the two powers were at the outset completely divergent, and when Carteret was reluctantly compelled to give a professed support to Russian aims, that support was so half-hearted and ambiguous as to give England no great claim to Russian gratitude.

Succession questions, from that of Spain to that of Bavaria, were a constant cause of European disturbance in the eighteenth century. The problem in Sweden had been long imminent, but it was rendered more obviously urgent when the death of the queen, Ulrica Eleanor, in December 1742, left only the king, Frederick of Hesse-Cassel, who was old, infirm, and childless. The obvious claimant to the succession was the young Charles Peter Ulrich, who had become duke of Holstein in 1739 on the death of his father, Charles Frederick of Holstein-Gottorp. On the father's side the young duke was the grandson of Ulrica Eleanor's elder sister, and so the great-grandson of Charles XI; while through his mother, Elizabeth's elder sister, he was the grandson of Peter the Great and the nephew of the reigning tsaritsa, who was notoriously devoted to him and had brought him at the beginning of 1742 to reside at her court. To the great mass of the Swedes he was '*unica spes et salus patriae*'.² His acceptance as successor to the reigning king would, it was thought, put an end to the Russian war and ensure the restoration of Finland. It is true that there were rumours that he was to become a Russian grand-duke and Elizabeth's heir, and that he was being prepared for admission to the Greek church, which would disqualify him for the crown of a Lutheran kingdom. But these rumours were discredited, and were actually contradicted by interested politicians. The truth was only definitely known to a few diplomatists, most of whom, and notably the

Sweden, and lately that of Denmark, they cannot openly accept of the mediation of any other power, but so far I can venture to assure your lordship that, if, upon a change in the ministry of Sweden, our friends are desirous to have any proposals privately conveyed to this court through the hands of his majesty's ministers, they will be very well received, and we may get the negotiation into our hands without appearing publicly to have any part in it.'

¹ Wich to Carteret, 2 August (o.s.) 1742 (*Recueil*, xix, 28): 'The Russian nation will certainly insist on new and more advantageous conditions, and though the czarina out of her inclination for peace and her predilection might be willing to make a peace upon the footing of the treaty of Nystadt, yet her ministry and friends cannot advise her with any security to themselves to consent to conditions which the Russian nation may think inglorious.'

² Guy Dickens to Carteret, 13 August (o.s.) 1742, in *State Papers, Foreign, Sweden*, fo. 91.

French ambassador, had their own reasons for keeping their knowledge to themselves. The peasants, and indeed the majority of the people, could not believe that an offer of the crown of Sweden would be refused. There seemed to them to be only one solid argument against the Holstein succession, that it would provoke Denmark and possibly lead to another northern war. This, however, was countered by the contention, (1) that Denmark would not venture to attack Sweden, if the latter had Russia behind it, and (2) that Danish hostility could at the worst be bought off, either by giving the young duke a Danish bride, or by a renewed cession of Sleswick, or even by sacrificing a slice of Holstein.

As long as Ulrica Eleanor lived, she had used such influence as she possessed to perpetuate that exclusion of the house of Holstein to which she had owed her own elevation to the throne in 1719. Her desire had been that the Swedish crown should return, on her husband's death, to the house of Zweibrücken, to which she herself and her three predecessors, Charles X, Charles XI, and Charles XII, had belonged. As a dynasty, it had rendered for a time no small services to Sweden and had contributed immensely to raise its prestige in Europe. Although the queen herself had no political power, her personal popularity gave her some influence, and towards the close of her life a party had grown up which favoured the succession of Christian IV of Zweibrücken, the head of a younger branch of the house of Wittelsbach. This party, however, owed its importance, not to the patronage of the queen, but to the support of France, which since 1738 had become the dominant power at Stockholm. France had everywhere identified its interests with those of the Wittelsbach family, which was to be exalted as a rival of the Habsburgs. One member of that house, Charles Albert of Bavaria, was raised by French backing to the imperial throne, and had seemed likely at one time to gain in addition the kingdom of Bohemia. Another, Charles Theodore of Sulzbach, was shortly to be enabled, also by French support, to retain the duchies of Jülich and Berg in their union with the Palatinate and with the Roman Catholic church. A third was in occupation of the electorate of Cologne. It would be a great triumph for France if a fourth Wittelsbach could be planted on the throne of Sweden.

The king of Sweden had naturally his own views as to the succession to himself, and these did not coincide with the wishes of his late wife. So far as he was eager about anything, he was eager that his crown should continue in his own family, and that it should pass on his death either to his brother, William, to whom he had entrusted the administration of Hesse-Cassel, or to his nephew Frederick. The house of Hesse aspired to electoral rank in Germany, and the secure possession of a foreign throne would

tend to further this elevation, especially as the king of Sweden was also a German prince as duke of Pomerania. But the candidature of Hesse, like that of Zweibrücken, owed its strength, not to royal support, for the king in Sweden had little more power than his consort, but to external assistance. The Hessian king of Sweden, like the Hanoverian king of Great Britain, had a double foreign policy. As Swedish king he was bound to France by the treaty of 1738. As landgrave of Hesse-Cassel he became in 1740 the subsidized ally of Great Britain, with which power he was already closely associated by the marriage in 1739 of his nephew Frederick to the princess Mary, one of the numerous daughters of George II. If it would be a triumph for France to secure the succession to a Wittelsbach, it would be a still greater triumph for George II if he could place his son-in-law on the steps of the Swedish throne.

Thus there were in the summer of 1742 three more or less accredited candidates for the succession. One of them, Holstein, was rather a claimant than a candidate, and had behind him the instinctive sympathy of the populace rather than any organized political support. The other two, Zweibrücken and Hesse, represented the two families which had been united by the marriage of the king to Ulrica Eleanor, and each could reckon on the support of one of the two organized parties, and of one of their foreign patrons. Not that England had any objection to Zweibrücken in himself. On the contrary Carteret began by instructing Guy Dickens to support him if he saw no chance of carrying Hesse.¹ But, when Zweibrücken became obviously the candidate of France, Carteret deemed it imperative to prevent a French nominee from succeeding to the throne of Sweden, perpetuating the Franco-Swedish alliance, restoring autocracy, and in all probability calling upon Hanover to restore Bremen and Verden.² Therefore the English representative at Stockholm must strive, not only to get Hesse in, but to keep Zweibrücken out. If Hesse cannot do this, then some other candidate must be backed. To Holstein there were obvious objections. England did not want to alienate the Danes or to make Sweden a sort of dependency of Russia. Besides Carteret knew that Holstein was not available, as Elizabeth would not part with her nephew. There was, however, a fourth possible candidate, not yet so prominent as Hesse or Zweibrücken, but destined within a few months to eclipse them both. This was the prince royal of Denmark.

Denmark was an old rival of Sweden. After a brief period of

¹ Carteret to Guy Dickens, 16 July (o.s.) and 30 July (o.s.) 1742.

² There is this Hanoverian note throughout in Carteret's dispatches, that whoever shall succeed in Sweden must be ready to renew the cession of Bremen and Verden. See especially his letter to Guy Dickens of 15 July 1743 in *State Papers, Foreign, Sweden*, fo. 93.

ascendancy, she had been hopelessly outdistanced in the seventeenth century by her Scandinavian neighbour. When at the beginning of the eighteenth century Swedish domination came to an abrupt end, Denmark found herself confronted with a far more formidable power in the Russia of Peter the Great. The Danes had not yet found a policy which fitted this altered condition of things. Their traditional feud with Sweden had not been altogether abandoned, and yet it seemed absurd that the two Scandinavian states should continue to weaken each other to the profit of the eastern power which was a bugbear to both of them. And Russia became more of a bugbear than ever to Denmark when the Tsaritsa Elizabeth became the devoted patroness of the house of Holstein. At Copenhagen the idea of the accession of a Holstein king in Sweden was intolerable. It would make the Danish tenure of Sleswick insecure and further expansion in Holstein impossible. There was, however, one way out of the difficulty which might also serve as a solution of other problems. The union of Kalmar, brought about at the end of the fourteenth century, had never been forgotten in the north. Its revival would once more make Denmark a considerable power in Europe. There were also many Swedes who believed that the best way to save themselves from subjection to Russia or to France, and to regain their lost prestige, was to bring about a reunion of the Scandinavian kingdoms. The acceptance of a Danish successor would certainly be resented by Russia, and might lead to a prolongation of the war. But it would be a war waged under wholly different conditions. The Danish fleet would protect the shores of Sweden. Thirty thousand Danish soldiers would restore the balance in Finland, and the recovery of Finland might lead to that of Livonia and the other Baltic provinces. The scheme was the more attractive because, though it might lack their active support, it would not be altogether distasteful to several powers in Europe. To both England and France it could be commended as serving to restore the balance in the north against what both states regarded as the overgrown power of Russia. To England and to Prussia it could be commended as strengthening the protestant interest in Europe. If England and France failed to carry their first candidate, either of them might fall back upon the Danish prince as a second string. France would prefer him to Hesse, and England to Zweibrücken. In the case of England there were already suggestions of a marriage alliance which would make Prince Frederick of Denmark a son-in-law of George II, and as such not less acceptable than Frederick of Hesse. And in the case of France, the possibility of a continuance of warfare in the north was not without attractions. If Russia at peace was likely to join the supporters of Maria Theresa, it was preferable that she should not be freed from the

distractions of northern war. The Danish candidature was speculative, but there were a good many chances in its favour.

Behind the immediate problem of finding a successor to the throne there was, as many Swedes knew, another problem. Foreign states were not likely to spend their money and to risk quarrels with other states merely to place another puppet king upon the Swedish throne. It was almost inevitable that, whether a Russian, a French, a British, or a Danish candidate were chosen as successor, an attempt would be made to strengthen the monarchy by changes in the constitution. It might be done during the lifetime of the present king, or it might be delayed till after his death. Such an attempt would be viewed in divergent ways by different classes in Sweden. The nobles, to whichever party they belonged, would probably combine to resist any restoration of autocracy. Their vote on the succession would be influenced to some extent by the consideration that a particular candidate would be more likely than another to seek for increased authority in the state. The peasants, on the other hand, were so hostile to the privileges of the nobles, that they would prefer a despotism to an oligarchy, and the clergy and burghers could not be trusted to offer any strenuous opposition to such a change. This risk of constitutional change added another element of uncertainty to the settlement of the succession.

The internal condition of Sweden was as unsettled as the problem of succession. The constitution adopted after the death of Charles XII had made the government of Sweden as republican as that of Poland. In theory supreme authority rested with the four estates of the diet, nobles, clergy, burghers, and peasants. When the diet met, its first act was to choose a *Landtsmarskalk*, who presided over the estate of nobles, and also over the *plenum plenorum*, i.e. extraordinary sessions of the four estates together. This office gave its holder great influence, and the election to it was regarded as a supreme test of party strength. The second act was to select, by a complicated process,¹ the secret committee (*Sekreta Utskott*), 50 nobles, 25 clergy, and 25 burghers. Occasionally, under pressure, peasants were added, but always with the proviso that their inclusion was not to be a precedent.² In that case it became the grand secret committee. To this body was

¹ The three leading estates were distributed over 52 benches. From each bench three were elected. These 156 were reduced by lot to 52, and they nominated 24 electors, who chose the secret committee. See Guy Dickens to Carteret, 24 August (o.s.) 1742 (State Papers, Foreign, Sweden, fo. 91).

² In the diet of 1742, on the plea of national emergency, peasants were added to the committee, in the first instance as listeners only, without any right to speak or vote. Later this restriction was removed and they obtained full membership, but with the usual proviso that it was to be regarded as exceptional and not as a precedent: Guy Dickens to Carteret, 7 September (o.s.) 1742 and 22 February (o.s.) 1743.

entrusted the initiation of all public business, and its recommendations, if approved by the estates, were binding on ministers, who were regarded as mere agents to carry out the instructions given to them. In the interval between diets ministers were supposed to be guided in their policy by a testament drawn up by the outgoing committee. In practice, however, ministers were more independent than was provided in the constitution. If they had a majority in the diet they could largely dictate its decisions. And, if their supporters were in a minority, they could only be removed by direct censure or impeachment, and, while in office, they could, in the drafting of documents, frequently evade or modify the directions given to them ; and between diets they could deal on their own initiative with circumstances which were not foreseen when the last diet met. Also, as was conclusively shown in the events from 1738 to 1742, they were subject to no efficient control on the part of the Crown.

This republican constitution brought to Sweden, as it brought to Poland, corruption and the intervention of foreign states. The two famous parties, the Hats and the Caps, whose feuds dominate Swedish history down to the accession of Gustavus III, were already in existence in 1742, and were notoriously organized and controlled by foreign gold. Later they were regarded as the parties of France and Russia respectively, but during the war Russia was unrepresented at Stockholm, and its normal supporters were known as the English party. The party leaders concerted their plans with their respective paymasters, either with the French ambassador, the marquis de Lanmary (who had succeeded St. Sévérin at the end of 1741), or with the English envoy, Guy Dickens, who had previously been employed at Berlin, and only came to Stockholm in June 1742. When the emergency diet was convened in August, both had to spend money, not only in influencing the elections, but also in the maintenance and the entertainment of their supporters during the session of the diet. Lanmary, the abler and more experienced of the two men, had the advantage of intimacy with the actual holders of office, and also of larger funds at his disposal. Carteret, who had to reckon with a chancellor of the exchequer and a house of commons, thought himself lavish when he entrusted Guy Dickens with £6,000, and gave him leave to spend another two or three thousand if he could thereby secure the election of William of Hesse.¹ It must not be forgotten, however, that behind all this corruption there was a strong and not unhealthy public opinion which had to be reckoned with. The Swedes, in spite of their recent defeats, were a proud and sensitive people, always ready to resent anything like foreign dictation, and

¹ Carteret to Guy Dickens, 30 July (o.s.) 1742 (State Papers, Foreign, Sweden, fo. 91, and Add. MS. (B.M.) 22535, fos. 11 and 15).

apt to find their own methods of showing their resentment. It was always possible that an appeal to patriotic sentiment might lead one or more of the estates, and especially the impulsive peasants, into a course of action which party leaders and foreign envoys neither planned nor approved.

The head of the Swedish ministry was that Count Gyllenborg whose arrest in London in 1717 had made such a sensation in Europe. Although he professed that he bore no malice, and that the period of his imprisonment had been the happiest time of his life,¹ and although he claimed to be guided only by Swedish interests, he undoubtedly identified these interests with a close alliance with France, and therefore with antagonism to England. He had come into office in 1738, and was largely responsible both for the French treaty of that year and for the subsequent war with Russia. Necessarily he and St. Séverin denied that France was the instigator of the war, but the evidence against their assertions is conclusive now and was almost equally conclusive then. The ill success of the war discredited both the minister and the foreign policy which he had followed. The summons of the emergency diet was forced upon him, against his will, by the prevalent discontent and the danger of a popular outbreak. No expenditure of French money could stem the tide of national resentment, and 'those out of employment', as Guy Dickens rather naïvely terms the opposition leaders, exulted over the result of the elections. The first trial of strength took place over the election of the land-marshal. The French party put forward their ablest leader, Count Tessin, but the rival candidate, Count Ungern, proscribed by France as the friend of the men who had been displaced in 1738, was elected by 360 to 140 votes. Equally decisive was the choice of the secret committee. Guy Dickens triumphantly reported that not more than four of the members had sat in the committee during the previous diet.² The English envoy and his friends complacently planned their programme. They would make peace with Russia through the mediation of England; for the French alliance they would substitute a league with the maritime powers, into which Russia should subsequently be admitted; they would institute an inquiry into the proceedings of the last two diets as a preliminary to the impeachment and overthrow of the present ministry; and finally they would turn to the question of the succession, and secure the continuance of the house of Hesse on the throne. Carteret was delighted when he was informed of these plans. There was only one slight difference of opinion. Carteret, for reasons connected with his German policy, preferred William of Hesse, the father; the Swedish politicians, who had found William

¹ Guy Dickens to Carteret, 15 October (o.s.) 1742.

² Guy Dickens to Carteret, 31 August (o.s.) 1742.

on his visits to Stockholm too dictatorial for their tastes, desired to put forward Frederick, the son.¹

But Gyllenborg and Lanmary, though disconcerted by their early defeats in the diet, were by no means in despair. The election of Ungern proved that they had lost the nobles, but there was still a chance that they might carry the other estates, who had significantly chosen the same chairmen as in the previous diet, and what they lost in the secret committee they might carry in the *plenum*.² In spite of their discredit, they had some substantial arguments on their side. Without French subsidies, Sweden would be more impotent than ever, and France would not continue to pay if an English alliance were preferred. If the war continued, France might send a squadron to the Baltic. Would England be willing to give either subsidies or ships? France, which had great influence at Constantinople, always held out hopes that it would induce Turkey to regard the Russian war as a *casus foederis* under the treaty which the Porte had made with Sweden in 1739, and a diversion of Russian forces to the south would give immediate relief in Finland. England notoriously neither could nor would do anything of the sort. Her hands were tied by the fact that she was negotiating a defensive treaty with Russia. It was generally accepted in Europe that English policy was purely selfish and dictated by mercantile interests. By pressing these points, by speciously contending that if England demanded the abandonment of the French alliance she ought to render at least the same services as France had been willing to render, and by urging the diet to present demands which were certain to be refused, Gyllenborg and his colleagues hoped to convince the Swedes, ignorant of European affairs, and thinking only of their own immediate needs, that it was dangerous to exchange a useful for a useless and possibly a burdensome ally. In this way they might succeed in keeping themselves in office, and in averting a breach with France. They could not continue the war, but they might make peace with the assistance of France instead of the intervention of England. And they might even serve the interests of France by obstructing co-operation between England and Russia. Their task was for a time rendered easier for them by the clumsiness of Guy Dickens, a blunt and rather dictatorial diplomatist, who, in defiance of the advice of his Swedish friends, insisted that, before any services could be rendered, Sweden must make its choice

¹ It is rather curious that in the correspondence between Carteret and Wich the former always speaks of William and the latter of Frederick as the Hessian candidate.

² Carteret to Guy Dickens (cipher), 18 September 1742 (State Papers, Foreign, Sweden, fo. 91, and Add. MS. 22535, fo. 35). Guy Dickens was apt to exaggerate the successes of his partisans, but Carteret, who got most of his information from intercepted French dispatches, had more knowledge of the other side.

between the English and the French alliance. The opposition leaders were wiser in their contention that, if the services were rendered, the French alliance would disappear as a matter of course.

These considerations supply a clue to the proceedings of the diet and its secret committee. The Helsingfors surrender (25 August) put an end to all hopes that the unaided efforts of Sweden could recover Finland. Only an untrusted fleet and hastily patched coast defences remained to avert such a harrying of the mainland as had taken place in 1719 and 1720. It was a great relief to the diet that Elizabeth was apparently satisfied with her success, and expressed her willingness to negotiate at Abo, if Sweden would send plenipotentiaries. But the message from the Russian chancellor, Cherkasky, contained a very significant warning that the tsaritsa did not trust the present Swedish ministers, and doubted whether any lasting peace could be made while they remained in office.¹ This opinion was shared by both Carteret and Guy Dickens, who had urged upon the opposition leaders that a ministerial change ought to have been the first instead of the fourth item of their programme, and that it would immensely facilitate the attainment of their other aims. It was suggested that a similar English assertion of unwillingness or even a refusal to negotiate with the Gyllenborg ministry might force the Swedes to choose between a change of ministers and the prolongation of the war, and that the necessity of peace would be decisive. Carteret, though he had some doubts, went so far as to authorize Guy Dickens to make such a declaration, on condition that he obtained the approval of his Swedish associates.² Senator Akerhielm, who played in his party the same role that was played by Count Tessin among the ministerialists, was perplexed when the problem was presented to him. On the one hand, it was extremely tempting to bring about the ardently desired ministerial change without waiting for the lengthy inquiry which must precede a direct impeachment. If the apathetic king could have been induced to listen to the urgent appeals from England, and to employ what remained of the royal authority in active co-operation with the opposition, it might have been worth while to run the risk. But the king pleaded impotence and the probability of revolution, and it was felt that the insult to Swedish pride, if foreign powers were allowed to dictate how the country should be governed, might cause a revulsion of patriotic feeling in favour of

¹ Guy Dickens to Carteret, 19 September (o.s.) 1742. Wich informed Carteret (12 August (o.s.) 1742), before the Swedish diet met, that on the previous day the Russian grand council had resolved to enter into negotiations with Sweden, but to protract them until the Swedish ministry had been overthrown. He urged that in this matter England should co-operate with Russia: *Recueil*, xcix. 40-2.

² Carteret to Guy Dickens, 12 October (o.s.) 1742.

the threatened ministry, and so the ultimate decision was to delay matters until further information was gained from Sir Cyril Wich as to the intentions of Russia. The answer to Cherkasky's note, while accepting the offer of a conference at Abo, merely added that it was unfair to judge what ministers would do in or after the making of peace by a reference to their conduct under the stress of war. Thus the Gyllenborg ministry survived the first attack upon it, and its retention had important consequences, not only to the course of the subsequent negotiations, but also to the later history of Sweden.

Having settled what diplomatists call the question *an*, that peace should be made, the secret committee turned to the question *quomodo*, and it was proposed to ask England to mediate. The French party did all in their power to prevent this from being carried. They urged that English credit at the Russian court was almost at an end, on account of English sympathy with the fallen house of Brunswick, and that the elder Bestuzhev, whom they represented as the English sheet-anchor, was about to be sent away to some foreign embassy.¹ When these contentions failed, they demanded that France, and later that France and Denmark, should be invited to be joint mediators with England. And finally, on the rejection of these amendments, they proposed that the term 'good offices' should be substituted for 'mediation'. To this insidious compromise the majority leaders rather tamely assented, 'for fear', as they said, 'of seeming too obstinate'.² They subsequently defended their conduct to Guy Dickens on the ground that the difference was merely verbal, and that it was useless to quarrel about the form when they had got the substance. Any competent student of foreign affairs could have told them that the distinction was vital, that if two or more powers were mediators they must act together, but any number of states might be invited to use their good offices. Gyllenborg exultingly commented on the decision by declaring that France was not in any way excluded from the negotiation simply because its participation had not yet been invited. And when he was told that the matter of intervention was *chose jugée* and could not be reopened, he insisted in the senate that his opinion should be placed upon record.³

The English ministers were highly indignant when the Swedish invitation reached them in this mutilated form. They had been confidently assured from Stockholm that George II would be

¹ Guy Dickens to Carteret, 14 September (o.s.) 1742. It is not a little curious that this proved to be an intelligent anticipation of what actually happened to the elder Bestuzhev rather more than a year later, when he was sent away to Berlin.

² Guy Dickens to Carteret, 19 September (o.s.) 1742.

³ *Ibid.*

requested to mediate, and they had conveyed that assurance to Moscow. The Russian refusal to ask for mediation had not yet arrived, but it was quite certain that Russia would not demand it unless Sweden did so too. In the circumstances there was nothing for it but to bluff. George II in person and the duke of Newcastle, Carteret's fellow secretary of state, told Wasenberg, the Swedish envoy in London, that they assumed that mediation was what Sweden meant, and that no other power was to be invited to take part. On these assumptions the invitation was accepted, and intimation was immediately sent to Sir Cyril Wich.¹ But England had no assurance that these assumptions would be accepted either in Stockholm or in Moscow, and, as a matter of fact, they never were.

At this stage the ministerialists, hitherto on the defensive, began to open a counter-attack upon their opponents. In the hope of disqualifying the house of Hesse, they proposed a new law to exclude from the succession all who were not Lutherans by birth. A more direct attack was the suggestion that, after the appeal to England and the exclusion of France, it was useless to expect any more supplies from Versailles, and that they must look to England to make up the deficit. Nothing could sound more reasonable to a Swede. Carteret, of course, made the obvious reply that the request was inconsistent with their previous resolution, that the payment of subsidies would fatally compromise the position of the king as mediator, and that it would place England in the same position as that now occupied by France. French mediation had been rejected, in spite of the eloquence of La Chétardie, and it was now proposed to give to Russia precisely the same reason for rejecting that of England.² The answer was conclusive, but it did not make up to Sweden for the sense of pecuniary loss, nor create the impression that England was a very generous friend. The French subsidies had not all been spent upon military needs, and Guy Dickens significantly remarked that 'if the French fail in their quarterly payments, half the Senate will starve'.³

A far more subtle plan than the demand for English subsidies

¹ Weston to Wich, 5 October (o.s.) 1742 (*Recueil*, xcix. 94): 'The duke of Newcastle has ordered me to send you the enclosed paper, containing what Mr. Wasenberg said at his audience, and to acquaint you that the king declared *himself* to that gentleman his compliance with the request made by Sweden, and that, when the audience was over, his grace informed him, by the king's order, that his majesty understood it to be his *mediation* that was asked for, though the word used by Mr. Wasenberg was *good offices* only; and that his majesty's promise to employ his mediation was upon the supposition of its being asked of him solely, and that no other power was intended to be afterwards joined with him in it.' See also Carteret to Guy Dickens, 12 October (o.s.) in State Papers, Foreign, Sweden, fo. 91, and Add. MS. 22535, fo. 41.

² Carteret to Guy Dickens, 12 October (o.s.) 1742.

³ Guy Dickens to Carteret, 9 November (o.s.) 1742.

was devised by Lanmary and his friends in order to save the ministry. This was to press for an immediate settlement of the succession, which the anti-ministerialists desired to postpone, and to urge its offer to the young duke of Holstein. This promised several advantages. It would demonstrate to Sweden that the so-called French party was really the patriotic party. It would be a gesture of goodwill to Russia, and might help to disconcert English plans at that court, and no harm could result because Lanmary knew that the offer would be refused. It was also possible that the revulsion of feeling which would be caused by this refusal, and the sense that Sweden had been insulted, might lead to a wholesale transfer of Holstein votes to Zweibrücken. So the plan seemed to offer the maximum of good and the minimum of harm. If it did nothing else, it would save the Swedish ministry. Russia could hardly proscribe men who had been prominent in offering a crown to the tsaritsa's nephew. Opposition from Copenhagen could be softened by offering to negotiate a settlement with Holstein on the basis of a guarantee of Sleswick to Denmark, and by suggesting that the duke of Holstein should marry a Danish princess.

The French plan was promptly discovered by Carteret, thanks to his efficient secret service, but his warnings did not reach Sweden in time to enable his friends there to prepare any counter-measures.¹ Akerhielm and his associates were profoundly depressed by the obvious reluctance of Russia to seek either the mediation or the good offices of England, and Guy Dickens's letters are full of denunciations of their cowardice and inactivity. His indignation was increased when he learned that in a snap decision in the *plenum* of nobles they had allowed the bill against a non-Lutheran successor to be carried by 239 votes to 237. This encouraged the ministerialists to complete their plan. The peasants, always the easiest estate to be stampeded, took the lead by demanding the election of the young duke of Holstein as the only hope of obtaining both peace and the restoration of Finland. It was argued that the tsaritsa would not wish to despoil the prospective kingdom of her sister's son. The other three estates, taken by surprise, did not venture to resist so generally popular a proposal, and on 28 October (o.s.) it was decided to send three commissioners to convey to the duke at the Russian court the unanimous desire of the four estates that he should ascend the throne on the death of the present king. Their instructions, beyond the offer of the succession, were to call upon the duke (1) to maintain the established religion of the country, (2) to make no change in the existing

¹ He gave a full account of it to Guy Dickens in his letter of 12 October (o.s.) (State Papers, Foreign, Sweden, fo. 91, and Add. MS. 22535, fo. 41). This was fully a week before any attempt was made at Stockholm to carry out the plan.

constitution, and (3) to take up his residence in Sweden.¹ According to Guy Dickens, the ministers secretly gave supplementary instructions : (1) to gain the Bestuzhevs by the offer of 100,000 roubles; (2) if this failed, to ruin their credit and spend this sum for that purpose; and (3) to ingratiate themselves with the tsaritsa and to give her a list of the powers which favoured the cause of the deposed Ivan VI.² That there was some suspicion of political intrigues on the part of the deputies is proved by the close supervision to which they were subjected on their arrival in Russia.

Long before the deputation could arrive in Russia their primary mission had become hopelessly out of date. The news of the Holstein election arrived at Moscow 14 November (o.s.). It was carried by a young French officer, who had been sent off post-haste as soon as the decision of the diet was assured. But even his hurried ride was not quick enough to alter accomplished facts. Exactly a week beforehand, on 7 November (o.s.), Charles Peter Ulrich of Holstein had been formally admitted to the Greek church under the name of Peter Fedorovich, and had expressly repudiated the Lutheran faith. On the same day a decree of the tsaritsa raised him to the rank of grand duke, and declared him to be heir to the Empire of all the Russias. Even Elizabeth's ministers were astounded at the rapidity with which this momentous decision was carried into effect.³ And five days earlier still an envoy had set out from Moscow, whose mission was to bring about a settlement of the Swedish succession which very few had anticipated and still fewer desired.

More than two months before this Elizabeth had made up her mind that she would have none of the candidates who were being considered at Stockholm. The prince royal of Denmark was anathema to her, and she would regard his election as a *casus belli*. Zweibrücken and Hesse were less objectionable, but she had no desire to see a nominee either of England or of France placed upon the Swedish throne. Her own nephew she would not part with, and she would allow him no freedom to choose between a Swedish and a Russian crown.⁴ But, if the Swedes wanted a Holstein king, she would offer them another member of that house in the person of the young duke's cousin, Adolf Frederick of Holstein,

¹ Guy Dickens to Carteret, 23 November (o.s.) 1742.

² Guy Dickens to Wich, 22 November (o.s.) 1742.

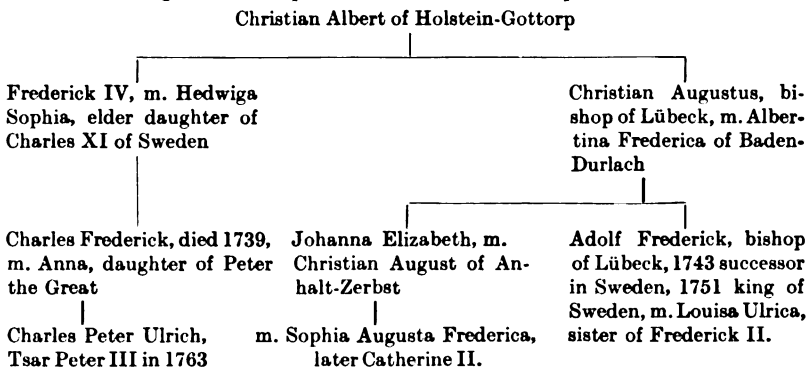
³ Wich wrote on 8 November that it was done 'without communicating her design to her privy council, the senate, or any person of distinction, except the archbishop of Novogorod, Mr. Brummer, the duke's governor, and Mr. Staackelberg, who were in the secret': *Recueil*, xcix, p. 133.

⁴ Wich wrote on 15 November: 'If this news had arrived ten days sooner, before the duke had been declared successor to the empire, and anathematized the Lutheran religion, and that it had been left to his highness' option to choose, I believe his inclination would have led him to have accepted of the offer made him by Sweden, but now it is too late': *Recueil*, xcix, 139.

bishop of Lübeck-Eutin, who was acting as administrator of the duchy during the boy's minority and absence.¹ This scheme was concerted in the first instance with a certain Otto Brummer, who had come to Russia with the young duke as his marshal and tutor. His post brought him into intimate relations with the tsaritsa, whom he saw almost daily, and over whom he acquired considerable influence. He also became a close associate of Lestock, the plausible and unscrupulous adventurer who had helped Elizabeth to gain the throne, had constant access to her as her medical adviser, and used or abused his position at court to gain simultaneous pensions from France, from Prussia, and from Great Britain. He was naturally distrusted in turn by each of his paymasters, but they all dreaded his antagonism too much to cut off supplies. There can be no doubt that Lestock gave valuable aid to Brummer in the latter's efforts to guide the tsaritsa's policy. The Russian ministers, Cherkasky and Alexis Bestuzhev, resented this alien influence, but only the chancellor had the courage and confidence to voice his objections. After his death on 4 November (o.s.) 1742, Bestuzhev and his brother were too timid and too insecure to criticize their mistress.

Elizabeth, who had strong nationalist sentiments, might have hesitated to consult Brummer, who held no office in Russia, on a purely Russian question. But she regarded the Swedish succession as primarily a matter for Holstein, and Brummer could claim to speak for Holstein. When, however, the question arose as to how the candidature of Adolf Frederick was to be promoted, Russian interests became involved, and it was necessary to divulge the plan to the Russian ministers. Brummer and Lestock were desirous

¹ The following table will explain the Holstein relationships :



Catherine II in her *Mémoires* (ed. Herzen, 1859, p. 5) says that Elizabeth's interest in the younger branch was due to a sentimental interest in an elder brother of Adolf Frederick, to whom she had been betrothed in her youth, but who died of small-pox a few weeks after the betrothal. The tsaritsa's early predilection for France is also attributed to the fact that she was proposed as a bride for Louis XV before he married Maria Leszcynska.

that the scheme should be carried through in conjunction with France, on the ground that French influence was preponderant in Sweden, and that France was now desirous to propitiate Russia. Elizabeth, who still cherished a desire for a French alliance, and personally distrusted both Austria and England for their supposed Brunswick sympathies, was inclined to take the same view. Cherkasky and Bestuzhev, when they were called in, had no great interest in the Holstein candidature, but perceived that this was a matter on which they were not consulted. On the question of method, however, they had no hesitation in expressing their opinions. They pointed out that French influence in Sweden had been gained and had been employed in opposition to Russia. That influence, they said, was on the wane, and the early successes of the anti-ministerialist party in the Swedish diet gave force to this contention. On the other hand, Russia was negotiating a treaty of alliance with England, and the latter would be willing to facilitate its success by supporting Russian designs in Sweden. When it was argued that England was pledged to support the house of Hesse, it was replied that English support could be purchased by arranging a marriage of Adolf Frederick with a daughter of George II. In the end, after prolonged discussions and many fluctuations, the Russian ministers carried the day, and a fully developed scheme of action was approved by Elizabeth.¹

As Russia, being still at war with Sweden, could take no direct part in the matter, a special Holstein envoy, Buchwald, was to proceed to Stockholm in order to promote the candidature of Adolf Frederick. On his way he was to visit London and there concert measures with the British ministers. He was also to demand the hand of an English princess for the proposed successor to the throne, and to desire the king's concurrence in the latter's candidature. If his majesty complied, the tsaritsa would accept the mediation of England, and exclude France in that as in all other points. If the candidature was successful, Russia would give Sweden easier terms than if any other successor were chosen. Finally, England was invited to join Russia in overthrowing the present ministers in Sweden and bringing in the old ones, who had been friendly to Russia and England. As this would cost money, Russia would undertake to pay half the expense. Meanwhile the tsaritsa had 40,000 roubles to her credit at Amsterdam, and would like to place that sum at the disposal of Guy Dickens, who was asked to co-operate with Buchwald when the latter should arrive

¹ Wich to Carteret, 11 October (o.s.) 1742 (*Recueil*, xcix. 100): 'I shall not trouble your lordship with a detail of all the intrigues and artifices, which have been used to turn the czarina from acting in conjunction with our court in everything that regards Sweden, but content myself with assuring your lordship that they have hitherto proved ineffectual.'

in Stockholm. In order to prepare the British ministers for Buchwald's mission, the whole scheme was to be confidentially placed before them by Narishkin, the Russian envoy in London, and complete secrecy was demanded.¹

Wich had been told by his friends as early as September that it was proposed to put Adolf Frederick forward as a candidate, and he had at once sent the intelligence to Whitehall.² Carteret, who had no idea of the inducements which were afterwards to be appended, entirely disapproved of the proposal, and hoped to procure its abandonment by urging upon the Russian court that it was far too late to produce a new candidate, and that, before anything could be done in his favour, either Hesse or Zweibrücken would be elected.³ Only a few days before his interview with Narishkin, he wrote to Wich that the king adhered to William of Hesse, and that Wich must not give support to any other scheme.⁴ When, therefore, he was confronted with the full-blown proposals of Russia, he found himself in an awkward dilemma. On the one hand were his pledges to Hesse, the danger of irritating a prince who furnished 6,000 serviceable troops, all the steps that had been taken in Sweden to organize an Anglo-Hessian party, and the notorious difficulty of inducing George II, who in foreign affairs, and especially in affairs which touched German interests, was no puppet king like Frederick of Sweden, to adopt suddenly a new line of policy. In addition there was the danger of provoking Denmark, a state which George II, for family and other reasons, was anxious to propitiate. The Danes were already furious at the news that the duke of Holstein had been chosen as the Swedish successor, but their fury would be multiplied tenfold if they learned that one member of the detested house was to succeed in Russia and another to have the throne of Sweden. And in this matter Hanover was almost as sensitive as Denmark. A duke of Holstein, with Russia and Sweden behind him, was almost certain to reclaim Sleswick, and a king of Sweden, who was assured of Russian backing, was not likely to forget that his predecessors had been unjustly deprived of Bremen and Verden.⁵ On the other hand, the embryo

¹ The scheme is clearly summarized in the rather agitated letters which Carteret wrote to Wich (*Recueil*, xcix. 158-62, and Add. MS. 22528, fos. 69-72) and to Guy Dickens (State Papers, Foreign, Sweden, fo. 92, and Add. MS. 22535, fos. 79-85), on 26 November (o.s.) 1742. In these letters he also states the carefully prepared reply which he gave to Narishkin after consultation with the king.

² Wich to Carteret, 6 September (o.s.) 1742 (*Recueil*, xcix. 60).

³ Carteret to Wich, 19 October (o.s.) (*Recueil*, p. 111, and Add. MS. 22528, fo. 49).

⁴ 17 November (o.s.) 1742 (*Recueil*, p. 145, and Add. MS. 22528, fo. 60).

⁵ The French foreign office clearly grasped the Hanoverian interest in the Swedish succession. 'En effet, le roi de la Grande-Bretagne, en qualité d'électeur de Hanovre, ne devait pas moins redouter que les Danois l'élévation de la maison de Holstein sur les trônes de Russie et de Suède, et les suites de l'union de ces deux puissances, par rapport aux duchés de Bremen et de Ferden, que la Suède pourrait être tentée de

Anglo-Russian treaty, to which Carteret attached immense value, might be lost by any open opposition to a scheme on which the tsaritsa had apparently set her heart, and Russia now conditionally offered what he had so long sought in vain, the mediation, the exclusion of France, and the overthrow of the Gyllenberg ministry. In addition, Sweden was to be tied to England in the future by a marriage alliance.

In these puzzling circumstances, Carteret could only give a hedging reply. The British king was grateful for the confidence shown in the submission of a scheme which required mature deliberation, and with regard to which he must reserve any definite opinion until the arrival of Buchwald. Meanwhile his majesty had a strong prejudice against interfering in the domestic affairs of another state, and had always abstained from doing so; he thought that a Russian nomination might prejudice the candidature, and might drive the resentful Swedes into the arms of France and the election of Zweibrücken; the administrator was a new candidate to propose after so long a canvass in favour of others, and he had no such blood claim as had united parties in favour of the duke of Holstein.¹ Before these difficulties could be faced, it was necessary to organize the Anglo-Russian party, and for this reason England welcomed the proposal to get rid of the present ministry. Guy Dickens would be instructed to pursue this end in concert with the minister of Holstein, and for the present had ample funds at his disposal. As to secrecy, the demand came too late. The scheme was known in London, Copenhagen, and Berlin, and London had got its intelligence as to both the candidature and Buchwald's mission some time ago from Paris. Four days later (30 November (o.s.)) Carteret wrote again to Wich, still withholding any definite decision, but telling him to encourage the expectation of a favourable answer in order to prevent any application for the support of France.²

That Carteret disliked this irresolution and feared that it might have disastrous results is proved by the explanatory and almost apologetic paragraphs which he added to Guy Dickens. After repeating verbatim his letter to Wich, he continued that Guy Dickens might disclose its contents in confidence to the king of Sweden and to his trustworthy friends. They are to observe that the answer is designed to gain time, so that they can express their opinion as to what should be done. Obviously a direct refusal would throw the tsaritsa into the arms of France, who would

réclamer dans la basse Allemagne, en même temps que la maison d'Holstein voudrait recouvrer le duché de Sleswick': Instructions to La Chétardie, 22 September 1743, in Rambaud, *Recueil des Instructions, etc., Russie*, i. 420.

¹ See genealogical table, *supra*, p. 555 n.

² *Recueil*, xcix. 164, and Add. MS. 22528, fo. 73.

welcome any method of securing Russia, and a successor placed on the throne by French support would ruin our friends. England had never wavered in the conviction that a continuance of the house of Hesse would be best for Sweden, and only lately had taken advantage of the consternation over the Holstein election to urge the Danes to support Hesse,¹ and we had promised to support them in defensive measures against any Holstein attack. So Dickens must ascertain how far the Swedes are pledged to Hesse, what chances they have of carrying him, and whether, in case of failure, they would prefer a French or a Russian nominee. Finally he summed up English policy in an illuminating postscript :

P.S. We are for the family of Hesse, either father or son, but, if not, we would rather wish to concur with the czarina. We must not appear to meddle too much in the affairs of the succession. You have the most important points imaginable under your care. If Russia, disgusted with us, apply to France, you know the consequences of it ; and if Denmark should find we are for the house of Gottorp, you must likewise know those consequences. It is a great matter for the king to be applied to by such powers under such various circumstances. We may certainly get advantages every way, but can't please all partys ; therefore, look to the greatest, which is Russia, provided we give the house of Hesse no reason to complain. We are against the duke of Deux Ponts as the French candidate, but for no other reasons, as you have found by your previous instructions.²

Before Carteret's evasive and rather chilling letter could reach the Russian court, several important events had happened. The death of the chancellor Cherkasky seriously weakened the English party, and, as Elizabeth refused to fill the office for several months, she obviously kept herself free from a commitment to either of the rival factions. The news of the election in Sweden had been brought by a Frenchman, and was eagerly acclaimed by those who favoured France. It was obviously the French cue to parade their share in the election, their renewed ascendancy in Stockholm, and their devotion to the interests of Russia. That they were not unsuccessful is proved by the suddenly depressed tone of Wich's letters. He had confidently expected to induce Russia to follow the example of Sweden in demanding the good offices of England, and that hope he had now to postpone indefinitely.³

As France claims all the merit of what has passed at Stockholm, and as the resolution which has been taken at the diet redounds to the honour and glory of the duke and cannot but be very agreeable to the czarina,

¹ Carteret urged this in a letter to Titley of 17 November (o.s.) (State Papers, Foreign, Denmark, fo. 83, and Add. MS. 22534, fo. 35). In this letter he declared that if Denmark had acted in concord with England, the election of Holstein would have been prevented. He also assured the Danes that if Russia put forward Adolf Frederick with the request for an English bride, the answer would not be in the affirmative.

² State Papers, Foreign, Sweden, fo. 92, 26 November (o.s.) 1742, and Add. MS. 22535, fo. 85.

³ Wich to Carteret, 22 November (o.s.) (*Recueil*, xcix. 150).

your lordship may easily imagine that this surprising news has entirely re-established the influence and interest of the French party at this court, which began to decline, and that none of the Russian ministers have the courage, at present, to oppose the views of France.¹

So attractive did the situation in Russia appear to the French ministers, that they decided to send back La Chétardie, who had departed a few months earlier at a time when the Russian ministers were getting the better of Brummer. Elizabeth was believed to desire his return, and instructions were actually drawn up for his guidance on 23 December.² Luckily for the despondent Wich, La Chétardie had boastfully proclaimed that he would not return until the Bestuzhev brothers had been overthrown, and the tsaritsa was not prepared to part with a vice-chancellor who, though she did not love him, saved her a great deal of trouble, and for whom she would have difficulty in finding a competent substitute.³ Still more luckily, thanks to the Bestuzhevs, and, as he himself believed, to the purchased support of Lestock, Wich got his treaty signed before the court left Moscow and before Carteret's letter of 26 November had arrived. When that letter came, it completed the temporary discomfiture of the English envoy and his friends. The French party triumphantly pointed out that it was useless to count upon English co-operation in Sweden. The results were speedily visible. Buchwald had already started, but it was possible for Brummer to send him supplementary instructions, very different from those which had been drawn up by the Russian ministers. The promised preliminary visit to London was abandoned. Nothing more was said at the time about an English bride for Adolf Frederick. The projected joint crusade against the Swedish ministry was dropped. The 40,000 roubles were never sent to Guy Dickens, and indeed he protested against such a wind-fall on the ground that it would bring upon him a deluge of interested requisitions.⁴ When Buchwald arrived at Stockholm in February 1743 there was no co-operation with the English

¹ Wich to Carteret, 15 November (o.s.) 1742 (*Recueil*, xcix. 1397). He concludes by saying: 'my situation is, in every respect, extremely disagreeable.'

² Rambaud, *Recueil des Instructions, etc., Russie*, i. 377.

³ Wich to Carteret, 14 October (o.s.) 1742 (*Recueil*, xcix. 102): 'If it had been an easy matter to find proper persons to fill up the places which Messrs. Bestuchefs enjoy, Mr. Chétardie would probably have succeeded in his design of getting the two brothers removed.' Frederick of Prussia later found himself confronted with the same difficulty. Mardefeld wrote to him on 17 February 1744: 'Il est avéré que l'Impératrice n'aime pas le Vice-Chancelier et que même elle n'a aucune confiance en lui; cependant, elle a de la peine à prendre la résolution de l'éloigner, parce qu'en premier lieu elle présume qu'il est au fait de la connexion des affaires publiques, et, en second lieu, parce qu'elle manque de sujet pour le remplacer, tout chétif qu'il est': *Pol. Corr.*, iii. 10.

⁴ Guy Dickens to Carteret, 24 December (o.s.) 1742. He added that it would take more than five times that sum to influence the election of a king, that contests for a seat in England often cost half as much, and that the Swedes knew too well the value of a crown to sell it for a trifle.

envoy. Guy Dickens complained that his promised colleague associated with the known partisans of France. The two men were on the worst of terms, and each complained to his court of the reserve and the aberrations of the other. Wich, who received regular letters from Guy Dickens, remonstrated in the strongest terms to the Russian ministers against Buchwald's disregard of his instructions. Bestuzhev and Brevern replied that they had made no change in their instructions, but the answer, though literally true, was evasive. Technically Buchwald was an emissary of Holstein and not subject to Russian orders. Wich does not appear to have grasped the significance of this convenient distinction.

The misunderstandings at Stockholm, of which the French took advantage to spread the most damaging misrepresentations of English aims, were the inevitable result of the vacillating and disingenuous policy which Carteret was compelled to pursue.¹ From Wich he received imperative warnings that the English hold upon Russia, and the maintenance of the Bestuzhevs, upon whom that hold depended, could only be secured by a frank acceptance and support of the Russian plan for settling the succession in Sweden. At the same time Guy Dickens wrote that his Swedish friends, when once they learned that the administrator of Holstein was a serious candidate, had come to the conclusion that the cause of Hesse was hopeless, and that their own interests demanded acquiescence in the Russian demand provided it led to the restoration of Finland. They pointed out, with unusual clarity, that the success of Adolf Frederick upon these terms was inevitable, and the only question was whether it should be brought about by England or by France. If it was done by France, the Swedish ministry would be saved, and its overthrow was far more important to them than the perpetuation of a Hesse dynasty, which had no great popularity in Sweden. Guy Dickens added, on his own account: 'if his majesty loses Russia, he also loses Sweden.'² Carteret so far yielded to the double pressure from St. Petersburg and Stockholm as to give instructions to Guy Dickens to support the candidature of Adolf

¹ The French diagnosis of English policy, drawn up after the settlement at Abo, is not without interest: 'La conduite de leurs ministres à Stockholm et à Pétersbourg, relativement à la négociation pour le rétablissement de la paix entre la Suède et la Russie, a été si ambiguë et si équivoque que tout ce qu'on en peut juger est qu'ils ont eu pour objet principal de faire échouer également les vues de la czarine et du roi de Danemark, par rapport à l'élection d'un successeur à la couronne de Suède; que toutes leurs démarches tendoient à empêcher que ce royaume tombât ni sur l'évêque de Lübeck, ni sur le prince royal de Danemark, et qu'ils se flattoient de l'espérance que les choses tourneroient de manière qu'ils pourroient enfin leur faire préférer le prince de Hesse, gendre du roi de la Grande-Bretagne.' Instructions to La Chétardie, 22 September 1743, in Rambaud, i. 419.

² Guy Dickens to Carteret, 24 December (o.s.) 1742. This is the answer to Carteret's important dispatch of 26 November.

Frederick, and he told Wich to impress this upon the Russian court.¹ If that had been all, the situation would have been comparatively clear. But he accompanied his instructions with the further proviso that Guy Dickens must not betray his partisanship, and that, above all, he must avoid giving any offence to Denmark. This qualification was due to several motives. Neither England nor Hanover desired a Holstein succession. It was still necessary to pay some regard to Hesse. In December 1742 it was decided to send the Pragmatic army, which had been assembled in Flanders, across the border to Germany to fight for Maria Theresa. The Hesse princes had a double allegiance. They were bound by the subsidy treaty of 1740 to England, but they were also bound by a treaty concluded on 2 March 1742 to the elected emperor, Charles VII, and they confidently looked to him for the coveted electorate. France urged that it would be a breach of this loyalty to allow their troops to serve in Germany against the emperor, and both the Swedish king and his more energetic brother William had scruples on this matter.² George II and Carteret had no desire to lose so valuable a contingent, and the Hessian chancery refused to believe that the prospect of retaining the Swedish crown was at an end. But the supreme motive for reserve at Stockholm was the pledge which had been given to Denmark. This was vital, because one result of the candidature of the administrator of Holstein was to bring Denmark more prominently on to the Swedish scene than it had ever been before.

Ever since the beginning of the Austrian succession war France and England had been contending at Copenhagen almost as hotly as at Stockholm. France was eager to induce the Danes to free themselves from the subsidy treaty which had been made with England in 1739, and to withdraw their troops from the English service. The king and queen with the three leading ministers, Schulin, Berkentin, and Holstein, were gained to the French side, and when George II in September 1741 was compelled, by fear of Maillebois' army, to conclude a treaty of neutrality for Hanover, they obtained the desired pretext for refusing to renew the subsidy treaty. To the remonstrances of the English ministers, they replied: 'Your master has secured his electoral dominions without including his allies; you must allow us to provide for our own security, and we want our troops for this purpose.' Harrington had to admit the force of this contention, and the Danish contingent

¹ Carteret to Wich, 11 January (o.s.) 1743 (*Recueil*, xciv. 218, Add. MS. 22528, fo. 89): 'Guy Dickens is doing his utmost at Stockholm in favour of the administrator.'

² Guy Dickens wrote on 18 January 1743 that the Swedish king had declared it impossible to allow his troops to act against the emperor. There is a prolonged and interesting correspondence upon the relations of England and Hanover with Charles VII between Carteret and William of Hesse in the Carteret Papers in the British Museum (Add. MS. 22527).

was reluctantly released.¹ Thus freed from the English tie, Denmark negotiated a treaty with France by which they obtained a subsidy in return for nothing beyond a promise of neutrality. This defeat rankled in Whitehall, and Carteret, who took Harrington's place in February 1742, concocted with Walter Titley, our minister at Copenhagen, a plan for renewing our hold upon Denmark. The plan savours, by anticipation, of a tale by Hans Andersen, and shows a subtle appreciation of Danish sentimentality. A portrait of the Princess Louisa, the most attractive of George II's daughters, was sent to a trusted confidant, Count Danenskiöld, to be exhibited in his collection to the royal family in the hope that the lady's charms might touch the heart of the prince royal, who was just attaining a marriageable age. Carteret assured Titley that 'it will be very providential for him to obtain such a princess, whose birth, education, and person cannot be equalled at present in Europe'.² This is quite in the style of the fairy godmother. At the same time Titley was warned to be very careful to secure the return of the picture, as it would be undignified, if the match did not come off, to have the portrait of the king's daughter shown about Denmark, especially if the motive for sending it became known.

The charm worked, and Titley reported with delight that the enamoured prince declared that, if he had to wait two years or more, he would extort the consent of his parents by refusing to marry any other bride. Carteret, who wanted a more immediate result, was obliged to send word that the prince might wait, but 'it is not to be imagined that a princess of such high rank and of such transcendant beauty can remain for any considerable time unengaged.'³ The hint was sufficient. In December the prince disclosed his infatuation to his parents, and as the picture 'had done all that was expected of it', Titley sent it back.⁴ At first the king and queen frowned upon the suggested marriage, but within a few days there was a complete change of front. The king suddenly asked his son whether he still wished for the Princess Louisa, and on receipt of an affirmative answer, said: 'J'y consens de tout mon cœur.' And the queen, who was expected to be a more obstinate opponent, added: 'Je vous félicite sur votre choix.' Two days before Titley learned this news from the court, he had received from Schulin the startling proposal of a double marriage,

¹ Harrington to Titley, 19 January (o.s.) 1742, in State Papers, Foreign, Denmark, fo. 82.

² Carteret to Titley, secret, 23 July (o.s.) 1742 (*ibid.* fo. 83, and Add. MS. 22534, fo. 23). This letter is printed in *British Diplomatic Instructions*, vol. iii, Denmark, p. 130. See also p. xxv of the introduction.

³ Carteret to Titley, secret, 12 October (o.s.) 1742 (State Papers, Foreign, Denmark, fo. 84, and Add. MS. 22534, fo. 31).

⁴ Titley to Carteret, secret, 23 December (o.s.) 1742 (State Papers, Foreign, Denmark, fo. 84).

of the prince royal to Louisa, and of the Danish king's only daughter, another Louisa, to the duke of Cumberland.¹

The cause of this sudden change in the royal and the ministerial attitude is to be found in the Swedish succession question. Denmark's primary interest in the question was to prevent the accession of a Holstein prince. As long as that house was out of favour during the rule of the Tsaritsa Anne and of the Regent Anne, there was no great alarm, and when the queen of Sweden's death suggested the problem of the succession, Titley wrote that 'it does not appear that this court has any particular candidate to recommend.'² The first alarm came from the revolution which placed Elizabeth upon the Russian throne, and it was increased when a few weeks later the young duke of Holstein quitted Kiel for St. Petersburg. What had at first been misgivings became a panic when it was learned that the Swedish diet had elected the duke, and that Elizabeth intended to substitute for him the bishop of Lübeck-Eutin. Carteret, also disconcerted by the news, wrote to Titley that 'the house of Gottorp, whether in the person of the duke himself or of the administrator, is equally contrary to his majesty's plans', and urged him to induce the Danes to join England in support of the house of Hesse.³ But the Danes were acute enough to see that Hesse had no chance against Holstein, unless England would undertake to give active assistance to Sweden against Russia, which was out of the question. Something more drastic was needed to exorcize the Holstein spectre. They knew that there was the nucleus of a party in Sweden which looked to a union with Denmark for the salvation of their country. In order to galvanize this party into life, it was necessary to put the prince royal forward as a serious candidate and to give substance to his candidature by promising Danish naval and military assistance for the recovery of Finland. It was a bold enterprise, as it involved the risk of war with Russia, but its immediate aim, the election, might be achieved if Russia was obstinate about Finland. It was possible that France, interested in prolonging disorder in the north, might give some backing to the scheme, but for that very reason England was likely to oppose it. In order to provide against this danger, England was offered the bribe of the double marriage, and the only condition attached was abstention from opposition to the prince's candidature. Carteret accepted both the bribe and the condition, and urged that the prince's marriage should be hurried

¹ Titley to Carteret, 9 and 11 January (o.s.) 1743 (State Papers, Foreign, Denmark, fo. 84).

² Titley to Harrington, 16 December (o.s.) 1741 (*ibid.* fo. 81). Titley added: 'The great concern of Denmark is to prevent the elevation of the duke of Holstein, and to preserve if possible the free scheme of government.'

³ Carteret to Titley, 17 November (o.s.) 1742 (State Papers, Foreign, Denmark, fo. 83, and Add. MS. 22534, fo. 35). It was on the same date that he wrote to Wich that England adhered to Hesse (*supra*, p. 557, n. 4).

on, while that of Cumberland should be delayed until an adequate allowance had been obtained for the prospective bridegroom. This division of the two marriages was agreed to by Denmark, and throughout the eventful year 1743, while the terms of peace were being settled at Abo, while Sweden was brought to the verge of civil war by disputes as to the choice of a successor, while George II was fighting at Dettingen, and while Carteret was conducting epoch-making negotiations at Hanau and Worms, there was an under-current of diplomacy about the Danish marriage treaty,¹ and a good deal of haggling as to whether the dignity of Denmark would allow that Louisa's dowry, partly English and partly Hanoverian, should be less than that of her elder sister, the princess of Orange. Meanwhile Berkentin, one of the Danish ministers, had been sent in December 1742 to organize a regular campaign in Sweden in favour of the prince of Denmark, and in the following January Carteret imposed upon Guy Dickens the impossible task of supporting the administrator of Holstein without doing anything to arouse the misgivings or the displeasure of Berkentin.²

If any one has a passion for disentangling the complicated threads of diplomacy, or if any one is eager to find materials for denouncing the secret and immoral exercise of that craft, they might turn to the relations of the European powers in Sweden during the first six months of 1743. The protagonists were Russia, Denmark, France, and Great Britain. Their respective agents were Buchwald, Berkentin, Lanmary, and Guy Dickens. The object of their attentions was the Swedish diet, of which Guy Dickens said: 'The spirit of venality which reigns here is so great that they would sooner sell their crown to the Turk than part with it for nothing.'³ Nobody would trust anybody else, and the atmosphere of intrigue and mystery encouraged the circulation of

¹ The terms of the marriage treaty were virtually settled at Hanover, Denmark giving way about the dowry, before Carteret joined the army. But he had not then received his full powers, and the treaty was actually signed at Worms on 3/14 September 1743, the day after the signature of the treaty with Sardinia. The marriage was celebrated at Hanover, before George II returned from his eventful visit to the Continent.

² Carteret's letters to Guy Dickens in the early months of 1743 are full of cautions that he must conceal his underhand support of Adolf Frederick in order to avoid any appearance of thwarting Berkentin's mission. On 25 January (o.s.), in a new cipher, he disclosed the secret of the proposed double marriage, but added that, as the only condition was to abstain from opposition to the Danish candidature, he might continue to act with his friends in aid of the Holstein prince. Carteret also wrote to Wich in the same sense: 'Colonel Guy Dickens has the king's orders to support Mr. Buchwald, but he cannot appear openly in it' (8 February (o.s.) 1743). And later, on 22 February: 'I must recommend you to be extremely careful that the secret of our acting for Lübeck may be inviolably kept. The French have hitherto no suspicion of it, and it imports us greatly not to give any offence at present to Denmark.' For obvious reasons, Titley was never informed of the complicity with Russia. It was easy for France to represent England at St. Petersburg as an accomplice of Denmark, and at Copenhagen as a partisan of the house of Holstein. And it was difficult to rebut these accusations at either court without risking the alienation of the other.

³ Guy Dickens to Carteret, 17 December (o.s.) 1742.

the most conflicting rumours. The original candidates, Hesse and Zweibrücken, had been thrust by events into the background, but they were still there. The two new candidates, Adolf Frederick of Holstein and Frederick of Denmark, occupied the front of the stage. Behind them were their respective sponsors, Elizabeth of Russia and Christian of Denmark, of whom the former was by far the more resolute. Both were willing to use either France or Britain for their purpose. It mattered comparatively little to them which served their turn. Perhaps the Russian ministers inclined to England, but this was balanced by the preference of the tsaritsa and the Holstein minister for France. Denmark, having insured against the opposition of England, had more expectation of active support from France. The two western powers were the incalculable factor. Neither really wished the Holstein candidate to win, and both would have preferred the Dane. Both, however, would have liked, if possible, to return to their earlier choice. But they had an uneasy sense that Russia was bound to prevail, and both were eager to gain what credit they could with that power by at least a feigned deference to its wishes. Both wished Sweden to lose as little as possible in the peace, and they were rivals for the credit of standing up for the interests of that country, but neither would run the risk of a quarrel with Russia on its behalf. When Sweden cornered Carteret by demanding what England would do for Sweden in case the war continued, he was compelled to answer that he could do nothing, that England, through no fault on her part, had no binding treaty with Sweden, whereas she had a treaty with Russia which to a certain extent tied her hands.¹ To both England and France it was open to pursue a policy of adventure in alliance with Denmark, and to attempt the restoration of the balance in the north by reviving the union of Kalmar and forcing Russia to disgorge the Baltic provinces. But England had good reason to desire peace in the north, and George II, as elector of Hanover, had no desire to reopen the northern settlement of 1720-1. France, with less desire for peace, had too many commitments in Germany and in her relations with Spain to venture on any extended enterprise. And France herself was exposed after Dettin-gen to imminent invasion, while the French foreign office was partially paralysed after the death of Fleury in January 1743.

In Sweden there were three dominant issues, all entangled together: the succession, the terms of peace, and the maintenance or downfall of the Gyllenberg ministry. Elizabeth virtually settled the last question in favour of retention when she allowed or ordered Buchwald to abstain from co-operation with Guy Dickens. And she could have settled the other two quite as

¹ Carteret to Guy Dickens, 11 March (o.s.) 1743, giving a protocol of a conference with Wasenberg on 7 March.

easily if she had been willing to restore Finland. But she could not afford to disregard Russian opinion, which regarded such a surrender as humiliating after the striking successes of her army. So the Russian plenipotentiaries, when the conference opened at Abo in January 1743, began by talking of *uti possidetis* as the obvious basis of a peace. The delegates of the diet brought back from St. Petersburg the same intelligence, that the Russian ministers were resolved on the retention of Finland. The Swedes, on the other hand, had been led by England to anticipate that peace would be based upon the treaty of Nystad. This was Denmark's opportunity. Berkentin, who had been spending money lavishly among the peasants, now came forward with a formal declaration. If the Swedes chose a successor wholly unacceptable to Denmark, they could expect no aid from that state; if they chose one who was indifferent, Denmark would not risk a war with Russia merely for the sake of Sweden; but if they chose the prince royal, Denmark would aid them to recover their losses in the war, but no more.¹ This made a profound impression, and rumour at once exaggerated it into a promise to recover Livonia as well as Finland. There was a general rally of patriotic feeling in favour of the Danish prince. The peasants voted by seventy votes to forty for his immediate election, but at last agreed under pressure from the other estates to delay a final decision until further news came from Abo. There the conference was constantly being held up while couriers went to St. Petersburg for instructions. The Russian plenipotentiaries so far softened their original demands as to consent to a partition of Finland, provided that Russia got an adequate barrier. That raised the question as to where the line of division was to be drawn. A natural line was the river Kymmene, but this would leave to Russia the least valuable and productive part of the province. At the beginning of April, Swedish opinion had hardened down to a decision to elect Adolf Frederick if all Finland was ceded: if Russia insisted upon retaining the land east of the Kymmene, they would accept the peace, but claim complete freedom of election.² This was in defiance of Elizabeth's threat that if the Danish prince was elected she would make no peace. The question of the succession was postponed until Russia sent an answer to this. When it came, it proved to be a demand, not only for Finland to the Kymmene, but also for the port of Helsingfors and other important places, which were said to be necessary for the desired barrier. This was regarded in Sweden as ruinous, and the peasants demanded the immediate election of Prince Frederick. His election would probably have been carried, with the result of an indefinite prolongation of the war, but for the fact that the

¹ Titley to Carteret, 9 March (o.s.) 1743 (State Papers, Foreign, Denmark, fo. 84).

² Guy Dickens to Carteret, 25 March (o.s.) 1743 (State Papers, Foreign, Sweden, fo. 93).

same courier brought a letter from Wich to Guy Dickens, to which was appended the following postscript :

P.S. After finishing my dispatch, I have had an opportunity of speaking at a masquerade with a person of great distinction, from whose discourse I have some reason to conclude that, if the Swedes will offer to give up to the Kymene, peace may be made, provided the duke-administrator be elected.¹

Guy Dickens at once communicated this significant message to his friend Akerhielm, who obtained leave to make use of it in the senate. In consequence the senate recommended to the diet that Sweden should offer Finland to the Kymmene and promise the election of Adolf Frederick. The four estates agreed to this, but the clergy and the peasants added that, if the offer were refused, the prince royal of Denmark should be elected at once. This unusual unanimity was, as Guy Dickens complacently recorded, entirely due to Akerhielm's use of the information he had received, and a few days later Gyllenborg, no friend of England, called on the envoy to thank him for the service he had rendered to Sweden.² Meanwhile the diet had adjourned for Whitsuntide, and when it met again, all substantial business was suspended until the answer came from St. Petersburg. When it arrived it was still unsatisfactory. Russia claimed the town and district of Nyslott farther north, though Helsingfors and the large extension of frontier were abandoned. However, the plenipotentiaries held out a hope of further concessions, and the grand secret committee recommended that there should be a further delay until yet another answer should come from St. Petersburg. The nobles agreed to this, but also suggested that 21 June (o.s.) should be fixed for the election of a successor. The clergy and burghers concurred, but the peasants held that they had already chosen the prince of Denmark. Stockholm was now in a state of intense agitation, as a force of Dalecarlian peasants, the descendants of men who had before this decided the fate of Sweden, were marching in arms on the capital to demand (1) the election of the prince royal, (2) the immediate execution of the two generals who were held responsible for the disasters in Finland, (3) the punishment of all who had advised the war, and (4) the abolition of the privileges and exemptions of the nobles. Under this pressure the clergy and burghers resolved that, if the Russian answer should be unfavourable, they also would elect Prince Frederick. Finally the nobles came to the same resolution, unless a favourable answer was received by 21 June. Thus, said Guy Dickens, 'there is now one order explicitly, and three others eventually, for the prince royal of Denmark.'³ It may be noted that for the last two months Carteret, absorbed in

¹ Wich to Guy Dickens, 15 April (o.s.) 1743 (*Recueil*, xcix. 326).

² Guy Dickens to Carteret, 13 and 24 May (o.s.) (State Papers, Foreign, Sweden, fo. 94).

³ Guy Dickens to Carteret, 14 June (o.s.) 1743.

his attendance on George II at Hanover and later at the army head-quarters, had left the British envoy without further guidance. His last letter, on 15 April, had contained the characteristically Hanoverian order that he should so arrange matters that whoever was elected should be prepared to grant, if applied for, a confirmation of the cession of Bremen and Verden.¹

On 21 June, when the popular excitement was at its height, a courier arrived with the preliminaries of peace which had been signed at Abo on the 16th. The vital article was the second, which prescribed that, in consideration of the recommendation of her majesty the empress and of his highness the grand duke of Russia, the estates of the kingdom of Sweden shall elect and declare Prince Adolf Frederick, duke-administrator of Holstein and bishop of Lübeck, to be successor to the crown.' In return the empress undertook to restore the province of Finland as far east as the Kymmene, but she retained the town and fortress of Nyslott. The extended district round Nyslott, which had been previously demanded, had been dropped, and the Swedish plenipotentiaries had only signed the modified provision about Nyslott *sub spe rati*. In all other respects peace was to be based upon a renewal of the treaty of Nystad. Regardless of the slight departure from the letter of their previous resolutions, and of their patriotic objections to the acceptance of the nominee of an alien power, the four estates unanimously accepted peace on these terms, which were reduced to proper form in a definitive treaty, which was duly signed on 7/18 August. Meanwhile, on 23 June (o.s.), with equal unanimity, the estates had proceeded in a *plenum plenorum* to elect Adolf Frederick as prince successor. Guy Dickens declared that the result was miraculous, and that if the news had come thirty-six hours later, the prince royal of Denmark would have been elected.² The Dalecarlians, after a skirmish with the troops in which some lives were lost, were dispersed, and the agitation in Sweden was at an end. The diet continued to sit till the middle of September and was then dissolved.

Looking back on the session Guy Dickens mixes some natural regrets with an attempt to minimize his defeat.

The partisans of France would be in the right if they said we had not succeeded in several points here, and especially in the removal of the present ministry, but, on the other hand, they will not surely brag that the affair of the peace, that of the election, and the execution of the two generals, who were their devoted tools and creatures, are events which have raised the credit of France in this kingdom.²

Lanmary might have replied, if he had seen this dispatch, that

¹ State Papers, Foreign, Sweden, fo. 93, and Add. MS. 22535, fo. 146.

² Guy Dickens to Carteret, 11 October (o.s.) 1743.

they had not raised the credit of England. The execution of the generals reflected no credit upon anybody, and the peace and the succession settlement were emphatically the work of Russia, who had all the trump cards in her hand, and needed no external aid or advice in playing them. Russia was under no obligations in the matter either to France or to England, each of whom had a weak hand to play, and played it, if not badly, at any rate unsuccessfully. Each tried to demonstrate afterwards that the other had done its utmost to thwart the Russian designs, and in this campaign of calumny the French had an obvious advantage. England might indignantly repudiate the charge of having secretly espoused the cause of Denmark, but the family alliance, which was being arranged and which was now publicly announced, was enough in itself to justify a considerable measure of suspicion.¹

Carteret and Guy Dickens had no reason to exult over the Swedish settlement. They had at the outset an apparently overwhelming advantage in the composition of the diet. But of the programme which had then been complacently drawn up not a single item had been carried out. English mediation had never been requested by either party to the war, and the 'good offices' which Sweden had asked for had been tacitly rejected by Russia, and no opportunity had been offered for their exercise. All attacks upon the Gyldenborg ministry had been foiled, and thus France had not been deprived of its chief gain in 1738. The proposed alliance with the maritime powers was as far off as ever. And all hope of prolonging the Hesse dynasty, whose continuance was to have crowned the victory of the English party, had disappeared when it became clear that the acceptance of the Russian candidate for the succession was a necessary condition of obtaining peace. Worst of all from the point of view of Carteret, the settlement did not in any way forward his chief aim, the procuring of Russian intervention in favour of Maria Theresa. It is true that the actual war was terminated, but there was no security against its speedy renewal. As long as French influence was powerful at Stockholm, it was unlikely that Sweden would permanently acquiesce in the loss of part of Finland. And an even more imminent danger to northern peace was involved in the attitude of Denmark. A dramatic series of events had brought the Danish prince to the very steps of the Swedish throne. The king and ministers were

¹ Guy Dickens to Carteret, 1 March (o.s.) 1743 : 'The family alliance with Denmark which begins to be talked of here makes him [Buchwald] fear England will not be so warm in his cause as he could wish.' On 22 September, in the instructions to La Chétardie for his second mission, the French foreign office declared that the secret of English policy at Stockholm had been at last disclosed : 'Enfin tout est aujourd'hui à découvert. Le mariage du prince de Danemark avec une princesse d'Angleterre n'est qu'une suite des liaisons de ces deux couronnes, qui avaient un intérêt commun d'exclure l'évêque de Lübeck de la couronne de Suède' : Rambaud, *Recueil etc., Russie*, i, 420.

naturally chagrined and humiliated by the sudden collapse of all their confident anticipations. They had already collected large naval and military forces in view of the probable necessity of having to defend Sweden in the event of Russia's refusal to make peace. These forces could be employed, if not to overthrow the settlement at Abo, at least to minimize the danger to Sleswick by demanding that the destined successors to Russia and Sweden should be deprived of the duchy of Holstein. They declared that they would have no security as long as a tsar of Muscovy or a king of Sweden had a foot in Holstein.¹ So threatening was the attitude of Denmark that the tsaritsa had to send General Keith with ten thousand men to protect the country with which she had been so recently at war.² So long as this acute tension lasted in the north, there was little prospect of Russian intervention in the Austrian succession war. And in August 1743 the discovery, or the alleged discovery, of a conspiracy against Elizabeth, in which the Austrian ambassador, Botta, was said to have been implicated, rendered such intervention, at any rate on the side of Maria Theresa, more improbable than ever. 1

RICHARD LODGE. 1

¹ Titley to Carteret, 23 July 1743 (State Papers, Foreign, Denmark, fo. 85).

² Frederick II (*Mémoires*, i. 185) sums up the curious sequence of events: 'Ainsi à peu près dans le cours de la même année la Suède fut battue, protégée et enfin donnée au prince de Holstein par l'impératrice de Russie.'

John Horace Round

THE death of Dr. Round at Brighton on 25 June last removed one of the few survivors of the late Victorian scholars whose intensive study of the rich but much-neglected records and other manuscript sources of this country threw a new and penetrating light into many dark places of its medieval history and economy, and whose influence is still dominant in these fields of investigation. He first unlocked the secrets of Domesday Book, and for some forty years he was the recognized authority upon the Anglo-Norman period and English peerage law and family history. Few historians have done so much to clear up obscurities and dispel false and ill-supported theories.

Round came of a family of bankers at Colchester, and although born and living all his life at Brighton, he always regarded Essex as in a real sense his own county. He became lord of the manor of West Bergholt, near Colchester, and deputy lieutenant of the county. His contributions to the elucidation of its history and antiquities form no inconsiderable portion of his work. Brighton, however, was a more suitable place of residence for one who suffered from ill health all his life. He was educated privately and at Balliol College, Oxford, where his contemporaries included several distinguished historians who are still living. His indebtedness to Stubbs, then regius professor of history, was always acknowledged by him. In view of his physical handicap, it was fortunate that he had no need to choose a profession, for even so his work was not infrequently interrupted by illness and at all times limited in scope, though not otherwise impaired in quality. He never married.

Until a much-needed bibliography has been completed, it is impossible to trace his earliest publications. Unless a short *History of Colchester Castle*, published anonymously in 1882, is correctly attributed to him, they were confined to articles in literary, antiquarian, and genealogical periodicals, and even when he reprinted papers he rarely supplied precise particulars of their first appearance. He does, however, casually mention that as early as 1882 he had begun open criticism of the work of Freeman. This was probably in the pages of the *Antiquary*, to which two years later he contributed with Gairdner and Wheatley a series

of articles on the House of Lords, his share in which he afterwards republished. He was an original contributor to the *Dictionary of National Biography* from 1885, and made a special feature for a time of summary accounts of such families as the Clares as introductions to his Anglo-Norman biographies, but after the tenth volume his contributions were only occasional. At the meeting of the Domesday commemoration in 1886 he read three papers which established his reputation as the leading authority on the interpretation of that difficult record. In the following year began Round's long connexion with this Review, in which some of his best work first appeared. Two short notes on subjects arising out of his Domesday studies formed his first contributions. Apart from his numerous reviews of books, many of which, e.g. that of Davis's *Regesta Regum Anglo-Normannorum*, are of permanent value, he contributed sixty-five articles and notes. Although very varied in subject, they rarely stray beyond the eleventh and twelfth centuries, but in the ninth volume there is rather a surprising deviation to a controversy with Mr. Oppenheim on the state of the navy in the early days of Elizabeth's reign, and in the fifteenth an incursion into the seventeenth century in 'Colchester during the Commonwealth'. This, however, was undertaken at the request of S. R. Gardiner, as Round had special access to the municipal archives of the town. With Gardiner's conclusions here he did not altogether agree, and he had already differed from him more seriously in the controversy finally summed up in his paper on 'Charles I and Lord Glamorgan' in *Studies in Peerage* (1901), where he declared that 'his treatment of the documents concerned has been neither critical nor exact'. In the eighth volume of the Review, Round first drew attention to the very important document in the French archives which he described as 'An Unknown Charter of Liberties', though he was unaware that it had been already printed in France, and his description of it and the date to which he assigned it have not obtained general acceptance. His only other substantial contribution to the literature of Magna Carta is contained in the article in *Magna Carta Commemoration Essays* (1917), in which, as it seemed to me, he made out a clear case against the usual identification of the *milites* of clause 2 dealing with reliefs with the *minores barones* implied in clause 14 respecting the summons of the national assembly, and upset the constitutional inferences that have been drawn from it. It is only fair to say, however, that he privately stated that he had not quite solved the difficulty to his own satisfaction. Of his articles in the Review not already mentioned and not reprinted by him, perhaps the most important are: 'Stephen and the Earl of Chester' in the tenth volume, 'The Domesday Manor' in the fifteenth, 'The Burton Abbey Surveys' in the twentieth, 'The House of Lords

and the Model Parliament ' in the thirtieth, ' The Early Sheriffs of Norfolk ' in the thirty-fifth, and ' The Dating of the Early Pipe Rolls ' in the thirty-sixth.

The early recognition of Round as an expert in genealogy and peerage law is attested by Cokayne's frequent consultation with him on knotty points during the publication of his *Complete Peerage* from 1887 onwards. His annotation of the sixty-nine original charters, ranging in date from 1095 to 1199, preserved in the Record Office, which he edited for the Pipe Roll Society in 1888, was described by W. H. Stevenson as 'deserving of the highest praise'. A member of the society from its inception in 1883, he provided each of its annual volumes from 1904 to 1915 with a valuable preface and re-edited the *Rotuli de Dominabus*. From 1900 he was supervisor of the sections on Domesday Book in the *Victoria County Histories*, several of which he wrote himself.

In the nineties Round was very active and became known beyond the narrow circle of historians and genealogists. His first book (if we except the *History of Colchester Castle*) and his slashing onslaught on Freeman in the *Quarterly Review* appeared almost simultaneously in 1892. *Geoffrey de Mandeville: A Study of the Anarchy* was not unfairly described by Liebermann as an incoherent book. It is much more than a biography of the unruly earl and much less than a history of the reign of Stephen. Nearly half the volume is appendixes, while the main narrative is impeded by charters given *in extenso*. Ill health had long delayed its publication and would hardly have permitted any long-sustained undertaking, but Round's mind was more critical than constructive. In charters he found a class of evidence too much neglected by English historians and, so far as they were unprinted, entirely ignored by Freeman. The extraction of fresh light upon history from such dry records and the detection of error by their means roused a genuine enthusiasm in him, and he did not make sufficient allowances for general historians who could not afford the time to do the spade-work themselves. With all its defects in construction, *Geoffrey de Mandeville* is brightly written; it set a new standard of precise accuracy in such work; and, though 'not often reversing general views commonly received', it killed the theory of Stephen's 'fiscal earldoms', threw an entirely new light upon the early administration of London, initiated the penetrating studies on castles which led to the rejection of G. T. Clark's theory of the pre-Norman origin of the moated mound, and first distinguished the 'third penny' of the county from that of the borough. These are only the more important of the additions and corrections which, as Liebermann wrote, 'serve in the main to fill with concrete life the abstract theories of Bishop Stubbs'.

Apart from short articles, *Geoffrey de Mandeville* was Round's

sole adventure in the field of narrative history. His subsequent books were even looser in construction. *Feudal England* (1895), *The Commune of London* (1895), and *Peerage and Family History* (1901) are collections of studies new and old; *Peerage and Pedigree* (1910), his longest book, though almost entirely new, does not profess to be a systematic treatise; and his last work, *The King's Serjeants and Officers of State*, has a single subject indeed, but one that does not lend itself readily to general treatment. It abounds in the irrelevancies 'which even while they distract are so full of instruction to Mr. Round's readers'. In a different category is the valuable *Calendar of Documents preserved in France illustrative of the History of Great Britain and Ireland* (1899) which he edited for the Public Record Office. Into this work he put far more labour in the collation of originals than was imposed upon him.

Feudal England became indispensable to historical students chiefly in virtue of its illuminating studies of Domesday Book and cognate surveys, and the masterly little monograph on the introduction of knight-service into England. Here Round's discovery of the five-hide and six-carucate units cleared up the mystery of the old English fiscal assessment which had baffled Eyton, while his investigation of Norman military tenure disposed of the current view that it was based upon the old English service of a man from each five hides of land. Round was no Germanist, and held that Stubbs and Freeman had greatly under-estimated the effects of the Conquest of 1066 on the political development of England. If this led him, as some have thought, to over-emphasize the breach with the past, for instance in the case of the national assembly, it was a healthy reaction, and he himself produced new evidence of the indebtedness of the Norman government to English precedents in administration and finance.

Apart from his essay on the origin of the Exchequer, the most important studies in *The Commune of London* are probably that which gives a title to the book, in which he printed the communal oath of 1193 and the oath of the twenty-four which he had discovered in the British Museum, and the exposure of the utter confusion of the *Testa de Nevill*, to which perhaps we owe more or less remotely the admirable, but still unindexed, *Book of Fees*. The variety of his researches is illustrated by a pioneer article on place-names and a vigorous attack upon the bull 'Laudabiliter' and the good faith of Giraldus Cambrensis.

Of his books on genealogy and peerage law little need be said here. They are full of characteristic learning and outspokenness. So piquant was his exposure of the 'genealogical mythology' of the heralds of the sixteenth and seventeenth century as reproduced in Burke, and of the pretensions of the Heralds' College and its modern defenders, that *Peerage and Family History* is said to have

had a fashionable, if not a popular, success. *Peerage and Pedigree* was too long and in part too technical to repeat this success, but it firmly established his reputation as an authority on the peerage, and four years later he received the appointment of honorary historical adviser to the Crown in peerage cases. He was proud of having in this capacity helped to secure a decision that the Model Parliament of 1295 is the first in which a sitting is valid for peerage purposes. But, as he very truly remarks, this ruling, however interesting, 'is no concern of the historian'. Academical recognition of his researches had already come in the conferment upon him of the honorary degree of doctor of laws at Edinburgh in 1905, but he declined nomination as a fellow of the British Academy.

The heat and even acrimony which Round imported into controversy may not have been wholly unconnected with the irritability of an ailing and somewhat lonely scholar, but it was also deliberate and adhered to in the face of many remonstrances. 'If', he wrote in 1892, 'my criticism be deemed harsh, I may plead with Newman that in controversy "I have ever felt from experience that no one would believe me to be in earnest if I spoke calmly"'. It must be admitted that in the most resounding of these literary encounters his 'full-toned pursuit of error' was to some extent provoked by what he considered the pontifical pretensions of Freeman and some of his followers for him, and that when the dust and noise of the battle had cleared away he was seen to have been victorious on the main point in dispute. The strange ways of heralds and 'The Muddle of the (Peerage) Law' were fair game for his mordant pen. But even in the controversy over the battle of Hastings and the accuracy of Freeman, he frequently went beyond permissible limits and obscured the great services which the historian of the Norman Conquest had rendered to English history, while his later demonstration of the inadequacy of the edition of a certain exchequer record in the Rolls Series was effected with quite unjustifiable acerbity.

Round's standard of accuracy was certainly very high. It was his habit, he told me, never to print a statement which he had not verified three times. Nevertheless, he made mistakes and put forth untenable views like everybody else, though not so frequently, and he was as impatient of correction. He accused Green of misstating the extent of the Norse settlement in the Wirral peninsula, when Green was perfectly right. The novel meaning he gave to 'inland' in the Northamptonshire Geld Roll can hardly be maintained. His attempt to convict Freeman of pedantry in adopting Orderic's Senlac for the battle-field of Hastings was comprehensively refuted by W. H. Stevenson, and the late date which he assigned for the formation of the confederation

of the Cinque Ports by M. Petit-Dutaillis. By an extraordinary slip for him he dated London's recovery of her fee farm under Richard I a year too late, thus causing great confusion in the story of the acquisition of the *commune*. His description of its organization has been largely invalidated by later discovery and criticism.

Round's health grew worse after he passed his sixtieth year. About 1916 he underwent a serious operation. In his later years he was confined to the house and often to bed. His last contribution to this Review was a brief note on two Essex men of the seventeenth century in July 1923. He struggled in vain to complete his preface to the last Pipe Roll of Henry II's reign and an article on 'Feudal Place-Names' for the then new English Place-Names Society, of which he was a vice-president. With his death the study of medieval history on scientific lines in this country has lost one of its chief pioneers and inspiring forces.

JAMES TAIT.

H. W. C. Davis

HENRY WILLIAM CARLESS DAVIS had what is called an uneventful life. A scholar of Balliol at the age of seventeen (1891), a fellow of All Souls at the age of twenty-one, then for a generation a teacher and writer of history, he followed a quiet, successful course. There was nothing unconventional or startling in his life and conversation. Yet Davis, simply because he was Davis, could always give distinction to the commonplace and exert influence through the ordinary opportunities of life. He was one of the outstanding men of his time. Both as teacher and as writer few men have been so effective. He was shy and reticent, and most of those who are grateful to him would not claim to have known him. They saw in him a very fine, perhaps the best, type of Englishman, but a man with whom it was not easy to be intimate. Those who did know him can hardly speak about him so soon after his death. They can only remember his generosity, his loyalty, his devotion to duty; and leave time to reveal the measure of the influence which, in his quietness and strength, he had upon Oxford, and through Oxford, upon the world outside.

His life, in all that he did, was the expression of mental and moral integrity. The adjectives brilliant, clever, penetrating, sound unreal and banal when applied to him. He would set himself a task and do it, with all his strength yet with a deft economy of energy and phrase. He was lacking in imagination, perhaps, but he was very clear-sighted and also very simple and massive. He was, in a word, absolutely honest and always self-controlled. He had his prejudices, both personal and historical, but they were his own, never gathered elsewhere, and he never hesitated to drop them, silently letting them go, if he saw that he had been wrong. This integrity, in social intercourse and in writing, made an impression, especially upon the young, which those who did not know him well did not always understand. One of his pupils writes :

No man stood more consistently for loftiness of mind, for calm and unprejudiced judgement, for absolute purity of motive in his every thought and decision.

The judgement expresses the impression of bigness which no stiffness could hide, and it expresses, moreover, the affectionate

awe with which his friends and pupils responded to his lofty standards. The effect produced by his book on the Normans and Angevins was, in its own way, very similar. Here was a man who could take a difficult theme, which much teaching and writing had reduced to unmerited dullness and conventionality, and make it really interesting and important, not by any display of literary brilliance, but by virtue of honest living into the period. Here was a man who could write, had taken immense pains, and had insisted on looking at his facts and authorities entirely afresh, for himself. A scholar who afterwards became one of Davis's most valued colleagues once told me that the reading of this book, when he was a young undergraduate, made him realize what history was.

The industry of Davis and the wide sweep of his interests were almost proverbial among his friends and colleagues. His industry was untiring and seemed, though it was not, effortless, a form of self-expression. It was always directed, and was not the same quality as the thoroughness or the patient waiting for results which have been characteristics of some great scholars. Mentally he was like the mountaineer who cannot rest until he has climbed one peak after another, and who is never daunted by the knowledge that he cannot hope to climb them all. He disliked the discipline of minute investigation, and he was, I think, impatient if he could not come to a conclusion. He was not like those who are never satisfied, 'though winning near the goal', because Clio always vanishes round the next corner. He was satisfied to find a message waiting for him on the hill-top. Hence the 'deftness' of his work, and hence too the sense of something lacking in it felt by those who do not quite like the process of 'ticking off' historical truths. Yet no one who regarded these things as defects in his work would deny that they were the defects of exceedingly fine qualities. All that he did was so safe and imperturbable, like himself, so neatly grouped, yet so strong in its solidity. It was his habit to arrange his reading and reviewing around the bit of work which he had in hand. Thus his first contributions to this Review were notices of books on the eighth and ninth centuries, written while he was writing his *Charlemagne* in the 'Heroes of the Nation' series, a series which he was later to edit. Many of his best short contributions to medieval English history were suggested while he was reading for his *England under the Normans and Angevins*. His note-books were filled by neatly written extracts from chronicles, and he characteristically worked through the great uncharted volumes of the earliest Close Rolls. His plan for a collection of royal charters, which resulted in the first volume of his *Regesta Regum Anglo-Normannorum* in 1913, led to deeper researches, carrying

on his earlier work. Hence we have the series of papers in this Review, beginning in 1903 with the article on *The Anarchy of Stephen's Reign* and ending in 1914 with the fine little paper on *The Chronicle of Battle Abbey*.¹ And during the last years of his life he was amassing an extraordinary knowledge of the sources for the political history of England in the middle of the nineteenth century and finding work for his pupils in Manchester and Oxford. This economy of energy, in the best sense of the term, was thoroughly characteristic. It enabled him to do the work of three or four men at once, to edit series, revise other people's books, advise the Clarendon Press, direct the last supplement of the *Dictionary of National Biography*, and quietly prepare for the terrifying task of revising the whole of that great work. He was never daunted. Experience would seem to have taught him that if he worked steadily and methodically, difficulties would vanish away. And he had the rare ability to take up a piece or several pieces of work without waste of energy and temper, just where he had left off. I shall never forget the impression which he made upon me when I went to see him at Manchester a day or two after his arrival in the university. A large section of his library was already neatly arranged upon the whole available wall-space of the little room allotted to him ; his papers were spread out before him ; and when I entered he raised his head from his work as many a time I had seen him raise it in Balliol and in the War Trade Intelligence Department. He might have been in Manchester a couple of years instead of a couple of days.

Davis began to lecture in Balliol College in 1899. In 1902 he became fellow and tutor, and so remained until 1921. During these years his chief work was done and his unique position among the teachers of history in Oxford was established. From the first he was singularly mature, just as, until the last, he showed little, if any, sign of advancing age. The young fellow of All Souls whose lectures on Thucydides some of us still remember was very like the regius professor nearly thirty years later. But his range widened, and his methods of study were deepened. As an historical writer he concentrated more and more upon the Norman period, and if the war had not broken into his life, as it broke into everything, he would doubtless have gone on steadily with his *Regesta* and cognate investigations. The papers which he contributed later to the volumes of essays presented to Professor Tout and Dr. R. L. Poole reveal in some measure the

¹ *Ante*, xviii. 631 ; xxix. 426. The two papers, published in 1909, on Bury St. Edmunds (xxiv. 313, 417) have been especially helpful in suggesting investigations to other scholars. Davis's literary contributions expressed only a part of his deep interest in this Review. His wise counsel was constantly sought and warmly appreciated by Mr. Clark and the present editor.

extent of his inquiries into the charter evidence for the reigns of Henry I and Stephen. Fortunately we are not dependent upon these papers alone, for the manuscript of the second and third volumes is, we understand, practically complete. The *Regesta* is not a perfect work of its kind. It was planned as a co-operative enterprise and was carried through with the aid of only one helper, Mr. Whitwell. If it is compared with the great French series of royal *Chartes et Diplômes* it is seen to be both too ambitious in range and too modest in plan. In any case it was a work which demanded a scholar's undivided attention during a long spell of years, not the limited energies of a busy college tutor and administrator. The pitfalls which beset the worker in this field can be seen by any one who cares to turn to Dr. Round's examination of the first volume, one of his most searching, and also, it should be added, his more sympathetic, reviews.¹ Yet the *Regesta* is of great value and should be completed. Only Davis could have achieved it in the face of such difficulties, and it is more than adequate to justify his high place as a scholar.

The war, with the costly experience gained in a government department, hastened, if it did not actually occasion, a change in his outlook as a teacher and writer. As a tutor, Davis had never confined his attention to one branch of history. He was a classical scholar and had all the interest of a good Greats man in political theory. He was an omnivorous student of history who had never drawn a sharp distinction between ancient, medieval, and modern. He felt no hesitation about the justice of his country's cause, and when war came he took his share in the ways in which he was most likely to be helpful. He edited the Oxford pamphlets and wrote a book about Treitschke with the quiet intensity and objectivity which he had displayed in his work on Anglo-Norman charters. He was asked to join a few others, under the chairmanship of Mr. (now Sir) T. H. Penson, in the organization of an intelligence department connected with the Admiralty and the Board of Trade. This, the Trade Clearing House, afterwards became the War Trade Intelligence Department, and was definitely connected with the Foreign Office as part of the Ministry of Blockade. During four long weary years Davis threw all his energy into a life whose only connexion with his life at Oxford was that it required the same mental and moral qualities. The W.T.I.D. was an exceedingly interesting community of lawyers, historians, economists, dramatists, novelists, stock-brokers, and many other kinds of people whom Sir Henry Penson and his advisers gathered together. Among the dons Davis was easily supreme. He acted as vice-chairman, wrote daily minutes for the cabinet, represented the department on important com-

¹ *Anle*, xxix. 347-56.

mittees. By sheer force of personality he acquired the sort of reputation—some of it, no doubt, mythical—which he had won in Balliol. As the routine of the department became more fixed and the work of each member more specialized, he was able to add to his duties the task of writing a history of the blockade at the time when records were easily accessible, personal memories fresh, and the blockade itself increasingly effective. What happened to this work I do not know. Indeed, the recollection of those strange years, spent in temporary wooden buildings in the bed of the lake in St. James's Park, is now very dim even in the minds of those who had most responsibility. The life which at the time seemed endless in its monotonous excitement is now a hazy memory. What Davis did only he could have described ; what he was many recall with gratitude. Mr. O. R. A. Simpkin, now the Public Trustee, writes about him as follows :

We worked together in the W.T.I.D. for about four years, but he was concerned primarily with the political and diplomatic side of the work, while I was concerned primarily with the evidential and secret service side of the work. Therefore, I did not come into direct contact with him so much as might have been expected. I did his work for him occasionally when he was ill or on holiday, just as he would help me with mine if need arose : but on the whole our relations were confined to occasional discussions about important questions of policy or administration and looking to each other for necessary information. He was certainly a splendid and inspiring colleague ; absolutely methodical ; scrupulously accurate, as indeed was only to be expected ; quite indefatigable ; full of resource and courage ; never afraid of a difficult situation and never hesitating to take a view or express a definite opinion ; full of patience both with men and with materials ; and above all with a sense of humour. I think what struck me most about him was the extraordinary knack he seemed to possess both of finding suitable men to do work which was wanted and of producing information on any subject. As one of his ' opposite numbers ' at the War Office said to me the other day, ' Davis was really wonderful. One never seemed to ask him a question that he could not answer.'

Two years after his return to college work Davis accepted an invitation to the chair of modern history in the university of Manchester. He had literary plans and obligations which required more leisure than the heavy work of a college tutor after the war could afford. Professor Tout was still in general charge of the history school in Manchester, and others were able to help in the administration of the department ; hence Davis was free to confine himself, so far as he wished, to his teaching and historical work. The years spent in Manchester were perhaps the quietest and some of the happiest of his academic life. Although his colleagues could not hope to keep him for long, and he had no hesitation in returning to Oxford when the regius professorship was offered to him, he would have been glad, had Oxford not

claimed him, to identify himself with the Manchester school and to build up its modern side. He devoted himself in the main to advanced teaching of the subject which he was making his own: the political and social history of England after 1815, and especially the work of Sir Robert Peel. The most important result of his influence was Dr. Aspinall's study of Lord Brougham, but when he left he had set several other pupils to work on similar tasks. This side of his duties as professor was afterwards developed with much energy and success in Oxford while he was regius professor.

Another interest which absorbed him in Manchester was his work upon the *Dictionary of National Biography*. On his return to Oxford after the war the Delegates of the Clarendon Press had given him general charge of the *Dictionary*, both of the revision of the main book and of the preparation of the additional volume for 1902-21. The duty was onerous, and Davis was so fortunate as to secure the help of Mr. J. R. H. Weaver, of Trinity College, Oxford, an old friend whose remarkable gifts as an editor had been revealed in very exacting work entrusted to him in the War Trade Intelligence Department. After Davis's appointment to Manchester the main burden of the work naturally fell on Mr. Weaver, but the plan and contents of the additional volume had already been settled. In 1920 and 1921 an informal committee used to meet in the house of the late Dr. Hogarth. Lists of names were drawn up by this committee and were afterwards submitted for scrutiny to a number of persons eminent in their callings. The two editors then reduced the result to order, fixed a common standard, and assigned the articles to authors. Mr. Weaver states that Davis's wide acquaintance with persons in political circles was particularly helpful. While he was in Manchester he read all the articles in typescript and edited them with the scrupulous care natural to him. Moreover, he considered carefully the best way of approaching the problem of revising the main book. He accumulated a large stock of notes (in addition to the material collected by the Institute of Historical Research and others), and undertook a 'systematic scrutiny of one or two categories of lives—in order to find out whether it will be possible to publish piecemeal revisions of this kind'.

All this labour and much more have been suddenly interrupted. How much Davis did during the short tenure—less than three years—of his Oxford chair, only his Oxford colleagues know. They know also that he did too much. Fortunately some of his work in modern history, notably the revised Ford lectures, was nearly ready for publication. The objective scientific study of English democratic developments, for which he pleaded in his inaugural lecture, will not be without its witness, an example to

others, and a further revelation of his gifts. And we have the Raleigh lecture, delivered for the British Academy, on 'The Great Game in Asia'. As has been truly said, 'the man who could write thus of the old Indian political pioneers, of tragedy and indomitable journeyings on the high passes, had it within him to write of action. The action, it may be, of minorities and individualists rather than of whole peoples; for Davis's historical orthodoxy was shot through by an almost wayward impatience of the verdict of the crowd, and his severe intellectual serenity submitted to a native sympathy for men destined to bear the responsibility of life and death decision.' The memory of that sympathy, the sympathy of the man who had found himself and was free from the entanglements of prejudice and convention, will long linger in the thoughts of his friends and companions. It was very unobtrusive, but it was always to be relied upon. It encouraged many who saw him but rarely, but whom he never forgot when the time for help or advice came. It was part of himself, like his pleasure in children and his fondness for dogs, and the happy moods of gentleness which came over him when he was at his ease. He died, in the height of his powers and reputation, as a man of his kind ought to die, at work. But he died more than twenty years too soon.¹

F. M. POWICKE.

¹ I should like to express my indebtedness to Mr. G. N. Clark, Mr. Michael Sadleir, Mr. O. R. A. Simpkin, Mr. J. R. H. Weaver, and to the admirable article in *The Times* of 29 June 1928.

Notes and Documents

Edward Grimeston, the Translator

AT no period in the general history of English literature were translators more important than in that of Queen Elizabeth, and among the many subjects in which they widened the horizon of English readers, one was history. Some of the best of them selected for translation, amongst other works, books on historical subjects. Philemon Holland and others published English versions of most of the Greek and Roman historians. Translated works on modern history came to the notice of the highest personages of the realm. Sir Geoffrey Fenton's enormous folio of *The Historie of Guicciardin*, translated not from the Italian but from the French, was dedicated to the queen and had two editions in her reign. A year before the second of them there had appeared Thomas Bedingfield's translation of Machiavelli's *Florentine Historie*. Two years before that, again, Thomas Danett had published the first edition of *The Historie of Philip de Comines*; and he has also to his credit an epitomized translation of the description of the Low Countries by the nephew of the great Guicciardini, dedicated to Lord Burghley, and a short original work of his own composition, *A continuation of the Historie of France, from the death of Charles the eight where Comines endeth, till the death of Henry the second*. Other titles of histories and memoirs might be enumerated to illustrate the attention paid to the history of foreign countries both by the public and by statesmen; but it is none the less true that at the death of Queen Elizabeth the number of good books on foreign history available in the English language was small, and the market was ready for a good many more. Under James I much was done to satisfy this need, and the most notable worker in the field was Edward Grimeston.

About the identity and career of this man some historians have made serious mistakes and others have expressed perplexity. There is ample excuse for both. In catalogues and indexes he is the more difficult to find because, although he himself preferred the spelling used for his surname in the present article, others, including his various publishers, used most of the possible variants

from Grimston to Grymestone. He belonged to the well-known Essex family from which the present earl of Verulam descends in the female line ; but confusion has been caused by the fact that there were several possible Edwards with whom he might be identified. The choice among them is made simpler by his own statement published in 1635 that he was the uncle of the first Sir Harbottle Grimeston ;¹ but even so it is not quite simple, for he had an elder brother who also had the same name, Edward Grimeston.² Probably the two brothers were given the same name from anxiety lest, through the death of the elder, it should not be perpetuated in the family. While he lived this elder brother was the more important of the two: he sat in parliament. The fact that the two brothers and their father all had the same name unfortunately makes it impossible always to be sure which Edward was meant until 1610, when the member of Parliament died, and most of all in the period before 1599, when the father also was alive. If no christian name is mentioned, the difficulty is still greater, because, as we shall see,³ there were other members of the family whose activities lay near those of the Edwards. The Edward who was father of the two brothers was himself the son and the grandson of two other Edwards ; but he is a sufficiently distinct historical character : he was that Edward Grimeston who was controller of Calais when it was lost in Queen Mary's time.⁴ The translator was his second son, born we know not when. In 1624 he wrote of himself as 'almost outworne with age' ;⁵ but as he lived until 1640, it is difficult to guess what age he had reached. The first of his translations appeared in 1604 ; but in the various dedicatory and prefatory letters we get no biographical particulars until 1607. We then hear of his 'being (after some years expence in France, for the publike service of the State) retired to my private and domesticke cares'.⁶ Later we hear that the length of time he had spent in France was eight years.⁷ Except that he made the acquaintance of Jean Hotman⁸ and Simon Goulart⁹ we know nothing for certain about this visit to France, and the absence of any reminiscences of his state employment from Grimeston's works, several of which dealt with the political events of his own time, is remarkable. It may be due to the impersonal disposition of a man who preferred translation to original composition, but it may be due to his having held

¹ No. 19. In order to save space I shall refer in this form to the various dedicatory letters and addresses to the reader in Grimeston's works by the numbers of the works in the catalogue given below.

² Harleian Soc., *Essex*, i. 207, 411. Although in its present form it contains a reference to King Charles I, there is no reason to doubt the authenticity or accuracy of the visitation of 1612 given at the earlier of these two pages.

³ See *infra*, pp. 587, 593.

⁴ See *Dict. of Nat. Biog.*

⁵ No. 14.

⁶ No. 3.

⁷ No. 11.

⁸ No. 5 ; see *infra*, p. 592.

⁹ No. 4.

only very unimportant posts. In any case, there is no ground for ascribing to him any of the minor diplomatic services done by persons of the name of Grimston, even Edward Grimston, in the last quarter of the sixteenth century.¹ Returning from France, he set to work at translating, but not without the hope that to do this well and dedicate the results to appropriate statesmen might be the means of obtaining further employment.² In this quest his success seems never to have been more than mediocre. In 1607 he speaks of himself as having thrown off one of his shorter pieces in 'such idle houres as I could steale from my daylye attendance in court'.³ This seems to imply some minor position about the king's court; but what it may have been we do not know.⁴ In 1609 Grimston was back in France: he dated a dedication from Orleans, stating that he had done the work 'since my coming into France' in 'such houres, as I could well spare, from my more necessarie employments'.⁵ If this was the occasion to which he referred when a few years later he thanked the son of his patron Salisbury for favours conferred on him 'during my aboade in France, with that hopefull Gentleman Maister Henry Howard',⁶ then we may infer that he was travelling as a bear-leader. Henry Howard was no doubt the third son of Grimston's other patron, Suffolk. This stay in France was soon to end, and Grimston was given an office of considerable dignity but little emolument which he held for thirty years.

On 17 March 1609-10 he was sworn in as serjeant-at-arms to wait upon the Speaker at the time of parliament.⁷ The length of time taken up during his long term of office by sessions of parliament was, of course, very short: for eleven years there was no sitting at all. Grimston did indeed see some of the greatest events of parliamentary history. In some of them he was a minor actor. In the scene of excitement when Sir John Eliot spoke in the house for the last time, he hesitated or failed to carry out the order of the house to shut the doors.⁸ An entry in the *Commons Journals* in 1620-1 shows him to have been in bad health: 'a proposition of charity' is granted that he may ride, instead of walking, before Mr. Speaker.⁹ Ill health may

¹ For these see *Cal. of State Papers, For.*, various entries from 1582 to 1588; *Cal. of State Papers, Dom.*, Addenda 1580-1625, pp. 81, 198, 223-4, 226-8, 236-7; *Hist. MSS. Comm.*, *Hatfield Papers*, iv. 97, 116, 146; xiii. 436.

² No. 2.

³ No. 4.

⁴ No. 6.

⁵ No. 9.

⁶ Possibly he was one of the serjeants-at-arms, of whom there were several. All had the duty of attending about the king's person, but at the times of parliaments one was, as we may say, seconded to attend the Speaker.

⁷ *Commons Journals*, i. 412. My thanks are due to Mr. J. V. Kitto, assistant librarian to the house of commons, who generously placed at my disposal his full notes on Grimston's career as serjeant-at-arms. His patent as serjeant-at-arms in ordinary is dated 7 May 1610 (Public Record Office, E. 403, B. 2692, no. 51).

⁸ Gardiner, *Hist. of England*, vii. (1905) 70.

⁹ i. 514.

account for his having published nothing between 1615 and 1621. After that his literary activity revived and lasted until 1635. He barely survived the meeting of the long parliament. It assembled on 3 November 1640, and Grimeston died early in December. He was buried in St. Margaret's, Westminster, on the 14th of that month; ¹ his will, written on the 8th, was proved on the 12th.² He appoints as sole executor his son Edward Grimeston, who is also sole legatee except for trifling bequests of clothes and money to the testator's landlord and landlady, their maid, and two others.³ Edward, the son, though granted the reversion of his father's office next after his immediate successor, seems never to have actually held it.⁴

The serjeant's office was by no means incompatible with literary occupations, and we know that Grimeston was acquainted with several of those amongst his contemporaries who were most likely to help an historical worker. He acknowledged 'many kind favours and respects' of Sir Peter Manwood, the collector.⁵ George Chapman, the translator of Homer, addressed Grimeston as 'his long lov'd and worthy friend'.⁶ The copy of verses in which he celebrated Grimeston's 'unwearied and honoured labors' is complimentary and affectionate, though not very good. It implies that Grimeston's books had been criticized for their great length. It deplores the success of the undeserving, and praises that quality which Grimeston most obviously possessed, 'solers Industria'. Sir Walter Cope is another man to whom Grimeston acknowledged many kind favours.⁷ He, besides being an antiquary and something of a record man, was a friend of Robert Cecil, earl of Salisbury, to whom, jointly with Thomas Howard, earl of Suffolk, the translator dedicated his big histories of France, the Netherlands, and Spain.⁸ Suffolk alone received the dedications of two other books,⁹ Salisbury and his son Cranborne of one each; ¹⁰ and when a new edition of the Dutch history was necessary after the death of the original recipients, Grimeston dedicated it to their two sons and heirs.¹¹ Little need be said about his other dedications. Sir Harbottle Grimeston

¹ *Memorials of St. Margaret's Church, Westminster*, ed. by A. M. Burke, p. 594.

² Principal Probate Registry, Peculiar of Westminster, Todd, 1636-41, fol 146.

³ These are Dorothy, the wife of Thomas Sutton, and Mrs. Marsh. I know nothing of the witnesses, George Chasmore, Anne Blanford, Alban Griffith, and Ambrose Hoane.

⁴ John Hunt had a royal grant of the reversion on 5 March 1618 (*Cal. of State Papers, Dom.*, 1611-18, p. 525), and was apparently already acting in November 1640, though without Grimeston's consent (*ibid.*, 1640-1, p. 257; *Commons Journals*, ii. 26). But on 6 June 1643 the king at Oxford granted to Edward, the son, a patent for life (*Cal. of Dockets of Patents*, Charles I) in reversion after John Hunt, which was superseded 11 July 1643 by a grant on the reversion to Michael Crake.

⁵ No. 6; see *infra*, p. 592.

⁶ No. 12.

⁷ No. 4.

⁸ Nos. 3, 5, 7, 8, 14.

⁹ Nos. 10, 11.

¹⁰ Nos. 2, 9.

¹¹ No. 15.

was his nephew and the most distinguished living member of his family ;¹ Richard Hubert, groom porter to Charles I, was a suitable person for a book on the art of pleasing at court ;² but, since we are expressly told that Grimeston did not personally know William, Lord Craven, one of the other people he honoured in this way,³ we must not suppose that the rest were anything more than men from whom he hoped for patronage. They were Charles, earl of Devonshire,⁴ George, marquis and afterwards duke of Buckingham,⁵ and two lords treasurers, Lionel, earl of Middlesex,⁶ and Richard, Lord Weston.⁷

The question has been asked why Grimeston has been much neglected and forgotten, but it is not really a difficult question to answer. He was a most industrious man, who put a vast amount of useful information at the disposal of his contemporaries, but whose work has now been superseded. He is scarcely ever an original authority, and modern historians prefer to go behind him to the sources from which his information came. Since he followed the custom of the Elizabethan translators, abbreviating, paraphrasing, and sometimes interpolating new matter, and since, like most of them, he did not reach the highest accuracy, his translation is no substitute for the sources. In the catalogue of his works which follows I have tried to indicate, especially by a careful examination of some of his larger works, what were his methods as a compiler and what information he gives which is not to be found elsewhere. In the latter particular the result is very disappointing. Grimeston's interest for us is not as an authority, but as a figure in the development of historical knowledge and writing. He wrote a good plain English, for which he frequently apologized, no doubt thinking it inferior to the laboured, artificial manner in which he composed his complimentary epistles. Choosing his authors judiciously, he translated from French and Spanish an entire historical library with a few subsidiary pieces, political or ornamental. Here and there as he went along, he made a comment or a correction, but it is too much to call him a critical or scientific historian. He was essentially a compiler ; but there is one aspect of his method which should be mentioned, because it is significant of his point of view and even of the state of development which Europe had then reached. His historical originals were for the most part like medieval chronicles, in the sense that they did not keep to a clearly defined national history from which foreign affairs were excluded. Grimeston, by lopping off from each what he thought extraneous to its main subject, and referring the reader to that other in which it was more appropriate, gave his history of Europe the form of a coherent series

¹ No. 19.² No. 16.³ No. 18.⁴ No. 1.⁵ No. 12.⁶ No. 13.⁷ No. 17.

of five self-contained national histories, with another folio volume giving a general survey of the world, also on a national basis. That conception of history which for the most part we still take for granted, that the world is best understood as an aggregate of these units, seems to be typical of the stage which Europe reached in the sixteenth century, and it was a sign of the times that Grimeston should embody it in the plan of his works.

G. N. CLARK.

LIST OF GRIMESTON'S WORKS IN CHRONOLOGICAL ORDER

1. *A True Historie of the Memorable Siege of Ostend*, 1604. Entered at Stationers' Hall, 20 September 1604.¹

This has two plans and a crude engraved title-page. It is translated from the anonymous² French *Histoire remarquable et veritable de ce qui s'est passé . . . au siege de la ville d'Ostende*, Paris, 1604. This French work is, down to about the middle of February 1604, translated from the 'allemand', which presumably means Dutch, but so far as I know the Dutch original has not been identified.³ Nor have I been able in England to identify the originals followed by Grimeston from 17 June 1604, where the French account breaks off.

2. *The Naturall and Morall Historie of the East and West Indies*, 1604. By José de Acosta (Ioseph Acosta).⁴

This work was reprinted in two volumes in 1880, with notes and an introduction by [Sir] Clements R. Markham. The original, of which the first complete Spanish edition dates from 1590, was a most important book.⁵ The Dutch translation by Jan Huyghen van Linschooten came out in 1598 and gave an impulse to the maritime enterprise of the Hollanders. French, German, and Latin versions had appeared before this version in English.

3. *A Generall Inventorie of the Historie of France*, 1607.⁶

This is a translation of the edition of Jean de Serres's *Inventaire de l'histoire de France*, published in 1600,⁷ down to the year 1598, where it ends, followed by a continuation compiled by Grimeston from Pierre Mathieu and others, Mathieu's own work being too long to translate as a sequel, and needing both supplementing and cutting down. The work in question is presumably Mathieu's *Histoire de France* (3 vols., 1631), a vast, accurate,

¹ Arber, *Transcript of the Stationers' Registers*, iii. 114. The references here given are to the numbering at the tops of Arber's pages.

² The initials 'A. V.' at the end of the epistle to the reader in the English translation are simply taken from the printer's 'signature' (Av) in the French pamphlet.

³ Knuttel, *Catalogus van de pamfletten der Koninklijke Bibliotheek*, no. 1268.

⁴ The translator is called 'E.G.' Although the presumption that he was Edward Grimeston is very strong, I am not aware that it is anywhere explicitly confirmed by evidence.

⁵ See J. R. Carracido, *El P. José de Acosta*, Madrid, 1899.

⁶ See Arber, iii. 136 for an entry of 3 March 1605/6 relating to this book.

⁷ The edition of that year corresponds with Grimeston's translation. I have not seen those of 1597 and other years mentioned by H. Hauser, *Les sources de l'hist. de France*, vol. ix, no. 1476.

and dull compilation.¹ Those who have studied the work of Jean de Serres differ somewhat in their judgements of it and in their identification of its sources, but it is clear that, though of little or no original value, it was well suited in style and contents to make French history known to foreign protestants.² Mr. F. S. Boas has pointed out that Grimeston's book supplies materials for three of the plays of George Chapman, *The Revenge of Bussy d'Ambois* and his two plays about Byron.³ Incidentally this led Mr. Boas to find that Grimeston had also used P. V. Cayet's *Chronologie septenaire de l'histoire de la paix entre les royes de France et d'Espagne* (1607),⁴ incidents from which had previously been traced in the plays. See also nos. 7 and 14.

4. *Admirable and Memorable Histories*, 1607. By [Simon] Goulart.⁵

This is a translation, with some omissions, of the first part of Simon Goulart's *Histoires admirables et memorables de nostre temps*, of which the first edition appeared in Paris in 1600, the second and third parts following in 1601. There were three French editions in 1606 and one in 1607.⁶ Grimeston's version ends with the words 'The end of the first volume', but so far as I know he did not go farther. The author, who is mistakenly described on this title-page as 'I. Goulart', was a voluminous translator of miscellaneous works, amongst them histories; this is a collection of all kinds of wonderful stories from his reading, of little real value but well suited to the taste of the period. In the dedicatory letter Grimeston says that he undertook the work 'at the request of my friend', presumably the author.

5. *A Generall Historie of the Netherlands*, 1608. Entered at Stationers' Hall, 6 August 1607.⁷

In the dedicatory epistle Grimeston states that he has chiefly followed 'John Francis Petit, an Authour yet living, and residing in our London'. The exact name of this writer is Jean François le Petit, and his residence in London seems to have escaped the notice of his biographers.⁸ His *Grande chronique ancienne et moderne de Hollande, Zelande, &c.* was published in two volumes at Dordrecht in 1601, and gives the history of the Netherlands, with much about the other countries of Europe, from the birth of Noah to the end of the year 1600. It has a title-page and a series of portraits engraved on copper by Karel van Sichem. These, with a few changes which need not be noticed in detail, are used in Grimeston's book, with the inscriptions translated into English. The book does not, however, follow le Petit very closely. His first volume is not translated: Grimeston gives

¹ See Bourgeois and André, *Les sources de l'hist. de France*, vol. xi, no. 614.

² Fueter, *Geschichte der neueren Historiographie*, p. 143, should be compared with M. Hauser's opinion, *loc. cit.*

³ *Modern Philology*, iii. (1906) 396; and *Athenaeum*, 10 January 1903, p. 51. It was not until my own investigation was almost complete that I came upon the former of these two articles, in which Mr. Boas had anticipated much of what I have found about Grimeston.

⁴ See Hauser, no. 2614.

⁵ On 5 February 1606/7 the original is entered to the publisher Elde 'Provided that when it is translated he get further authoritie before yt be printed' (Arber, iii. 148).

⁶ L. Chester Jones, *Simon Goulart*, Gevena (1917), pp. 630-1.

⁷ Arber, iii. 157.

⁸ *Nieuw ned. biogr. woordenboek*, vii. 954.

only a brief epitome of those parts which relate to the Netherlands. With the beginning of the reign of Philip II he changes from this method to an abbreviated translation; but as soon as he makes this change he also begins to draw upon a second authority, whom he mentions in his letter to the reader, 'Emanuel Demetrius, who hath been very carefull and industrious to congest all things which concerne this subject'. That is to say he uses the Latin edition, published in 1598 with the title *Historia Belgica nostri potissimum temporis*, of the history of Emanuel van Meteren, of which the many subsequent Dutch editions were to enjoy a long popularity.¹ It is impossible to say exactly what use Grimeston makes of this authority, since Meteren and le Petit sometimes follow the same sources, and, as we shall see, it is probable that some of these were directly accessible to Grimeston. An examination of the passages which cannot be derived from le Petit shows, however, that, although Meteren is seldom cited by name, the majority of them come from him. They are for the most part judiciously chosen to fill up gaps in le Petit's patchy narrative, and a good many of them are documents or abstracts of pamphlets. Grimeston follows le Petit least closely for the period from 1585 to 1595; but in this period he is better supplied than in the earlier period with matter independent of both his main sources. Besides these, he tells us, 'I have also been beholding to monsieur Hottoman, a french gentleman, who at my late beeing in France, did furnish me with sundrie excellent discourses, concerning this hystorie'. This is Jean Hotman, the son of the celebrated political writer François Hotman. Jean Hotman, the 'Othemanus' of Motley, had been one of the secretaries of the earl of Leicester in the Low Countries, and was afterwards to supply materials to Grotius for his historical works.² It is natural to suppose that Grimeston had from him the considerable number of state papers and pamphlets with which he supplemented his other authorities, and on which he had to rely especially for his account of the years 1601-8 which those authorities do not cover. There would be no advantage in enumerating these, since better texts of most of them are easily available either in their original pamphlet form or in the great standard collections of Dutch state papers. I give in a foot-note a list of the pages in Grimeston's work where there are passages of which I have not yet traced the origin, though several of these ought not to be difficult to identify.³

Besides the materials given him by Hotman, Grimeston mentions a fourth source: 'I have had some observations in written hand, by the meanes of that worthy knight, Sir Peter Manwood, the which were gathered by Sir Roger Williams, when he first bore armes under Iulian Romero, a Spaniard, in the great Commanders time.' This is puzzling. The well-

¹ See W. O. Verduyn, *Emanuel van Meteren*, for particulars of the editions. Dr. Verduyn mentions the translation of part of Meteren's book (*Discours of the Civill Wars . . . from 1577 . . . untill 1598*), published in 1602 by T[homas] C[hurchyard] and Ric[hard] Robinson, but does not refer to the translation of his account of the defeat of the Spanish Armada in the first volume of Hakluyt's *Voyages*.

² Fruin, *Verspreide geschriften*, iii. 189 n., and the *Hotomanorum Epistolae* (1700), p. 398.

³ pp. 546-52, 552-6, 726, 750, 835 ff., 840 ff., 889 ff., 897, 910-11, 922-4, 932-41, 944-5, 945, 957, 959, 981, 1037-43, 1097, 1100, 1107-10, 1297, 1322-3, 1325, 1386, 1401, 1410.

known memoirs of Roger Williams, instead of starting at the time when he took service under Julian Romero, deal with the preceding years, and break off almost exactly at that point. There is no indication that Grimeston used them. They are, however, only a fragment, and Sir Peter Manwood, when he published them with the help of the historian Sir John Hayward, in 1618, said in his dedicatory epistle that one of his reasons for doing so was 'to make this a meane of drawing the residue into light, which happily sleepeth in the custodie of some other man'.¹ It is not, however, at all likely that Grimeston had the missing portion of the memoirs. For the incident of Williams's own duel with Captain Thomas he simply translates Meteren's story.² The only passage of any importance in which Williams is his authority is that relating to the surrender of Sluys in 1587,³ and this is taken, not from the memoirs, but from Williams's book, *A Briefe Discourse of Warre, with his opinion concerning some parts of Martiall Discipline*, of which two editions had been published in 1590. Finally, in addition to these portions derived from his various authorities, there is one small incident on which Grimeston speaks for himself. During the siege of Bergen-op-Zoom in 1588 a Spanish fort was captured by a ruse in which one of the principal actors was Lieutenant William Grimeston.⁴ This man I take to have been our author's half-brother, the sixth son of the comptroller.⁵ The story had been put about that, in order to convince the Spaniards of their good faith, William Grimeston and his companion, one Red-head, had taken the sacrament as papists. This story Edward emphatically denies, mentioning the written approval of the artifice given by Lord Willoughby and the rewards conferred on the two by Queen Elizabeth.⁶ A few years later he had occasion to repeat his testimony. In 1613 W. Shute published a book called *The Triumphs of Nassau*, a translation of a French history of the campaigns of Prince Maurice.⁷ According to this book, 'Grimeston and the victualler were condemned by all men for renouncing their Religion and for perjurie, so as their own Nation did greatly tax them'.⁸ Edward Grimeston protested that this 'falsely depraved an honest and worthy action . . . the which was held by all the great Commaunders that were then present, to be honest and commendable'.⁹ The sentence appeared, however, without alteration when Shute's translation was reprinted in 1620.

5 a. A reprint of no. 5, differing from it in nothing except that it has the date 1609 on the title-page. See also no. 15.

6. *The Low-Country Commonwealth*, 1609. By Jean François le Petit.

This is a translation from the French of a short topographical and political description of the United Provinces after the truce of 1609, which Grimeston undertook 'as an Appendix to the History' published in the

¹ Reprinted in *Somers Tracts*, ed. Scott, i. 330.

² p. 759.

³ pp. 962-4.

⁴ Froude, *History of England*, xii. 466, makes him a colonel. For reports of the incident see *Hist. MSS. Comm.*, *Ancaster MSS. at Grimthorpe*, pp. 195, 205 ff.

⁵ Harleian Soc., *ubi supra*.

⁶ pp. 1008-11.

⁷ Shute had also translated *The Generall Historie of Venice*, 1612, from the French of Thomas de Fougassess.

⁸ p. 103.

⁹ No. 11.

previous year. I have not found any notice of a French version ; but le Petit's son published at Arnhem in 1615 *Nederlandts ghemenebeste . . . in't breede beschreven*, by his father, which I have not seen, but presume to be a version of the same work.

7. *A Generall Historie of France*, 1611.

This second edition of no. 3 is continued down to 1610, and in it Grimeston has 'used two parts of Arithmetike, that is Addition and Subtraction'. He has added the reasons and circumstances of many things from approved authors, and particularly has added the articles of treaties, compositions, capitulations, &c. As he did with the Netherlands history, so he has made this 'perticular to France': for other matters he refers the reader to his own book on the Netherlands and to the history of the Turkish wars, 'very properly written by Mr. Knowles', besides the work on Spanish history which he intends to publish within a year (see nos. 8, 14, 19).

8. *The Generall Historie of Spaine*, 1612. By Louis (Lewis) de Mayerne Turquet, continued by Grimeston.

The original was entered at Stationers' Hall, 19 November 1608, with the proviso that every sheet is to be revised by Master Etkins and by authority allowed.¹ As matters concerning the Spaniards had been omitted from the last edition of the French history, Grimeston now translated the work of a living author on Spain, the *Histoire générale d'Espagne* published in 1608. 'This historie comes but to the winning of the Terceres, which was in the yeare 1583: he hath finished the rest unto these times, I my selfe haue seen it in his studie at Paris, but he hath not yet put it to the Presse,² so as I have been constrained in the continuance thereof, to help myself out of the best that have written of these later times, wherein I have been assisted by some worthie gentlemen in the relation of some great actions, and have continued the Historie, unto my Lord Admirals returne out of Spaine' [1605]. From 1530 he has not directly followed his author, but amplified him from 'other approved authors'. Thus at p. 1131 he inserts Mathieu's account of the death of the Infante Charles in 1568; at the end of bk. 28 he adds a general account of the Inquisition and its methods; at pp. 1172 and 1180 he gives accounts of Drake's voyages of 1572 and 1577. His own continuation contains some documents, e.g. p. 1234, an edict on titles and forms of address; p. 1239, an anonymous speech on naval and military preparations in 1588; the articles of the accord at Kinsale in 1601, with the speech attributed to Aguilar and the deputy's answer by Godolphin; p. 1320, Sir Robert Mansel's account of the action against the galleys in 1601 in answer to the imputations which had been translated from Dutch pamphlets, i.e. the narrative part, pp. 1-11, of Mansel's *True Report of the Service done upon Certaine Gallies*, 1602; p. 1326, the articles of the Spanish-English peace of 1604. Before the tables with which Mayerne's book concludes, Grimeston gives an account of the Spanish constitution. In accordance with his plan of making his works supplement one another, he omits at p. 1180 the story

¹ Arber, iii. 212.

² The British Museum has no edition of the French original between this date and 1635.

of the governorship of Don John of Austria in the Netherlands, referring the reader to 'that countrie historie'.

9. *The Heroik Life and Deplorable Death of the Most Christian King Henry the Fourth*, 1612. By P. Mathier [Pierre Mathieu]. Entered at Stationers' Hall, 10 October 1611, provisionally.¹

10. *The History of Lewis the Eleventh*, 1614. By the same.

11. *The Estates, Empires, and Principalities of the World*, 1615. Entered at Stationers' Hall, 2 December 1614.²

This is a version of *Les empires, royaumes, estats . . . et principautez du monde*, first published in 1614 by Pierre d'Avity, sieur de Montmartin, under the name of 'le sieur D. V. T. Y.' D'Avity's bulky work is a compilation, and some parts of it, especially those dealing with Asia, are more fabulous than descriptive. Grimeston tells the reader that his author has shown much diligence and great reading, as has been found by confronting him with divers good authors; but of his version he says, 'I may not aduow it to be a mere translation'. He has added to it in divers places and omitted some things 'wherein my Author had been abused by the relations of others, and in some sort taxed the honour of some Nations, the which in mine owne knowledge were mistaken'. Mr. Boas points out that among the omitted portions are the bulk of the statements about the Reformation in Great Britain and Ireland and the treatment of the English Catholics; that the account of Ireland is simplified and a curious table of the Spanish king's expenses is added.³

12. *A Table of Humane Passions*, 1621. By N. Coeffeteau, bishop of Dardania.

This author is now remembered chiefly as a stylist. His *Tableau des passions*, first published in 1620, was many times reprinted and, after his *Histoire romaine*, was the most popular of his works. Its contents are mainly derived from Aristotle and St. Thomas Aquinas, and are of no importance in the history of thought: we may, however, note that the work is typically catholic.⁴

13. *The Imperiall History from the First Foundation of the Roman Monarchy to this Present Tyme*, 1623. By Pedro Mexia.

This Spanish author carried his *Historia imperial y cesarea*, first published in 1547, down to the death of Maximilian I; his Italian continuators, Lodovico Dolce and Girolamo Bardi (to whom he is 'Pietro Messia'), bring it down to the death of Maximilian II. Thus far it was turned into English by the invalid soldier, W. Traheron, whose *Historie of all the Romane Emperors* appeared in 1604 with a dedication to Sir Horace Vere. Traheron actually goes to about 1602 under Rudolph II 'now reigning', and the end of his book, if not his own, at least does not follow any of the Italian versions I have seen. Grimeston's task was to correct, amplify, and continue Traheron's work, no doubt at the request of Matthew Lowndes, who published both versions. He says that he wrote the last six lives himself, making use of the best available authors and the confident

¹ Arber, iii. 212. For Mathieu see *supra*, no. 3.

² Arber, iii. 256 b.

³ *Modern Philology*, *ubi supra*.

⁴ See C. Urbain, *Nicolas Coeffeteau*, 1894, especially pp. 221 ff., 353.

statements of eyewitnesses. In fact he begins to rewrite with Charles V, who is treated summarily by the Italian continuators, on the ground that his reign is sufficiently known from such authors as Guicciardini and Paulus Jovius.

14. *A Generall Historie of France*, 1624.

This third edition of no. 3 is continued by Grimeston to 1622, but he says that this part is collected out of the best authors: 'there is nothing of mine owne'. He explains that in the body of the history he has abbreviated some of the documents, leaving the full sense, and has omitted somewhat that was not proper to the history but more incident to them that treat of divinity: 'else the volume would have been immense, chargeable to the Buyer, and no great benefit to the Reader'. Even so the history has 1209 folio pages and the continuation 335 besides the appendixes.

15. *A Generall Historie of the Netherlands*, 1627.

This third, or more properly second, edition of no. 5 has a continuation from 1608 to 1627 by William Crosse, M.A. There is a new title-page. The letter to the Reader adverts to the fact that the first edition had been criticized as giving insufficient credit to the English. Grimeston defends himself on the ground that he was 'tied to the Lawes of a Translation' and so unable to 'controlle' his authors: not a very good defence in view of his habitual independence and his earlier complaint against Shute.¹ He has done his best to collect materials for the new edition by conference with some of the great commanders and captains, 'but they had not observed Caesar's rule, who fought by day and writ in the night'. A comparison of the two editions does not, however, reveal any serious revision. There are a few, apparently accidental, omissions. On one page² le Petit is named as the authority where he was not named before. There is a new and much better engraving of the 'Archdukes' Albert and Isabella by Renold Elstrack; but these are practically all the changes. From the dedication we learn that the continuation is by another hand 'by reason of the Printers too much hast for my slow and infirme Age'. This William Crosse, who had seen foreign service as a chaplain,³ had already published in 1625 a pretentious historical poem, *Belgiae's Troubles and Triumphs*, giving the history of the war from 1621 to 1624, and a military and political study of the same period both in Europe and overseas, called *The Dutch Survey*. In his present work he has, as Grimeston tells us, set down the battle of Nieupoort at large 'from a Relation (as he affirmeth) of Sir Francis Veres', which describes the share of the English in that battle more fairly than le Petit or Meteren. The *Commentaries* of Vere were not printed until 1657, and in them the account of Nieupoort was completed by Sir John Ogle, with whose regiment Crosse had served as chaplain. Ogle also added an account of Vere's parley at Ostend, in which he wipes away the aspersions of Meteren, whom he names.⁴ It is perhaps a sign of Grimeston's failing powers that he made no use of Vere's manuscript for the revision of the part of the history which he had himself written.

¹ *Supra*, pp. 589, 593.

² p. 471, corresponding to i. 594, line 3, in the former edition.

³ See his life in the *Dict. of Nat. Biog.* and his works.

⁴ ed. Firth ('Stuart Tracts', in *An English Garner*), p. 183.

16. *The Honest Man or the Art to Please in Court*, 1632. By [Nicolas] Faret. Entered at Stationers' Hall, 12 December 1631.¹

There is a critical edition of the original, *L'honneste homme ou l'art de plaire a la court*, by M. Magendie (Paris, 1925). The first French edition appeared in 1630.

17. *The Counsellor of Estate, contayning the Greatest and most Remarkable Considerations seruing for the Managing of Publicke Affaires*, 1634.

This is a translation of the anonymous book *Le conseiller d'estat* of Philippe de Béthune, a brother of the famous duc de Sully, of which an edition appeared in 1632. It was one of the most comprehensive and useful works on statecraft then available.

18. *The History of Polybius the Megalopolitan*, 1634. Entered at Stationers' Hall, 30 April 1633.²

This is translated from the edition published in 1558 of the translation of Polybius by Louis Maigret of Lyon, the first edition having appeared in 1552 with the title *Les cinq premiers livres des Histoires de Polybie Megalopolitain*. It cannot be seriously regarded as having an important place in the history of classical studies in England, though it was virtually the first Polybius in English. The black-letter quarto, issued by Christopher Watson in 1568 with the title *The Hystories of the most famous and worthy Chronographer Polybius*, had given only the first book, padded with a life of the English king Henry V. Casaubon's Latin translation was, however, now available, and it is improbable that many readers not sufficiently learned to use that were learned or studious enough to read much in the English. Of all the classical historians, however, Polybius comes nearest to the kind of historical writing which Grimeston had himself done, and this work of his old age has therefore its appropriate place beside those of more modern interest which he had already published.

19. *The History of the Imperial Estate of the Grand Seigneurs*, 1635. (With second title-page *The History of the Serrail and of the Court of the Grand Seigneur*.) Entered at Stationers' Hall, 17 January 1631/2.³

This is translated from Michel Baudier's *Histoire Generale du serrail et de la cour du grand seigneur empereur des Turcs*. It appears to correspond with the second edition (1631), which is stated to be revised and augmented by the author: I have not seen the first edition. The Ottoman empire was the only one among the five great powers of the Continent to which Grimeston had not devoted one of his national histories. The existence of Richard Knolles's *Generall Historie of the Turkes*, to which he had given a well-merited commendation,⁴ made it unnecessary for him to do so, and the work which he now translated, which should not be confused with Baudier's *Inventaire de l'histoire generale des Turcs* (1641), is descriptive rather than historical.

20. *The History of the Court of the King of China*. By Michel Baudier, 1635.

This translation is, in one of the two Bodleian copies, bound up with no. 19, just as the original *Histoire de la cour du roy de la Chine* (1631) was

¹ Arber, iv. 233.

² *Ibid.* iv. 269.

³ *Ibid.* iv. 236. For the subsequent history of the copyright see *ibid.* pp. 236, 304.

⁴ No. 7.

bound up with the second¹ edition of the original of that work. Like no. 19 this is rather a description than a history. It was reprinted in the second volume of Osborne's *Collection of Voyages and Travels* in 1745, and in the eighth volume of Churchill's *Voyages* in 1752.

The Diary of John Greene (1635-57). II

1644

At the beginning of the last year, 1643, as appears by that Almanacke, in the beginning of it, I did in fine beseech God that I might never see this our unhappy Warre made a Warre merely for religion, and that neither side might make use of foreign auxiliaries, and though I hope Dabit Deus his quoque finem, it is now but a yeare since, and our trouble still menaces, the warre being fiercer than ever and may probably hold a long time, for now 'tis made a warre almost merely for religion, which I feared. Besides the King hath already brought over the protestant forces, together with many Irish from Ireland, and will noe question make use of all the forreigne forces he can procure. The parliament are in dayly expectation of the Scots whom they expect to be in Berwicke with their whole forces the beginning of this January.

The french ambassador, it is conceived, hath beene long labouring a peace heere in vain, and is now about to return.² The scene of the warre is now in Sussex about Arundell, there being very great forces of both sides in that County. Things have succeeded this whole yeere with a strange vicissitude of successe, as if it threatened an utter desolation of the Kingdome ere either side prevayle. As for peace or any accommodation, it is not yet soe much as spoke of, but wee count it amongst rebus deperditis which is rather optandum than sperandum to be recovered againe. J. G.

[Jan:] The King's proclamation to summon all the parliament men that would come and sit at Oxford, should have free pardon and sit as parliament men there, soe they come in by the 22nd of this month. The parliament made an order to summon all their members at the same time. . . . Nota: My father hired a coach for all this terme from 8 in the morning to 12, for £2.10 a month which is about 16/6 a weeke. 7th. The news of Arundell Castle taken.³ 22nd. The great counsell begin at Oxford. I to Westminster most mornings this terme with my father in his hired coach. 28th. The news of the Scots entry into England came certainly to towne.⁴ 31st. The news of Sir William Brereton's great victory by Nantwich.⁵ [February] Upon the 2nd of this month beinge candlemas Day, the Covenant⁶ was appointed

¹ The first I have not seen.

² M. Harcourt. He was warmly welcomed by the war-weary crowds in London, but the houses of parliament refused him an audience and his negotiations with Charles at Oxford were fruitless: Gardiner (ed. 1901), i. 271.

³ The royalists had captured Arundel Castle on 6 December, but it was surrendered to Waller on 6 January.

⁴ The Scottish army under Lord Leven crossed the Tweed on 19 January.

⁵ Brereton and Fairfax had defeated the royalist forces in Cheshire and taken great numbers of prisoners.

⁶ The Solemn League and Covenant, the signing of which was the price of assistance from the Scots.

to be taken at the chancery barre by Serjants, Lawyers, Attorneys, Sollicitors and all officers depending upon the Law, and was accordingly taken by most. Afterward other dayes were appointed, and taken after by many. . . . 22nd. I to Guildhall in my gowne: tooke a fee there. [March] On the 8th of March, about 10 minutes after sunset, being a little after 6 of the clocke, my wife was delivered of my eldest son (her first child). She had been in labour all that day and all the night before, the midwife beinge sent for at 12 of the clocke on Thursday night. . . . The child was baptised on friday the 15th the same month by my uncle, Doctor Jermyn, in the house. He used the Common prayer booke, but signed it not with the crosse. My own father and my father Jermyn and my grandmother Blanchard were Gossipps. My father Jermyn would have had it named John Alexander, but my father had noe great mind to it, soe it was named only John. I had a great banquet; stood me in about £4. I had not much company. Goodwife Aylett should have nursed him, but she came to towne and fell sicke, so wee sent her down, and she commended one goodwife Smith, whom wee used, and gave 15/- a month. . . . My nurse went away with my boy on tuesday the 26th of March. She had 15/- for a month's wages when she went. On the last of this month my wife came downe stayres to dinner. . . . 24th. The news of the great defeat at Newark.¹ 30th. The news of Sir William Waller's victory neare Winchester. . . .²

[April] On wednesday the 3rd of April wee tooke a load of billets which cost 13/6 and a load of old coale which cost £1. 18/, having then noe wood in the house. Nota: I gave 5/- to our minister, 2/6 to Allen and 1/6 to the Sexton; and our minister neither baptised the child nor churched my wife. On sunday the 7th of this month about 3 o'clocke in the morning was a great fire in Newgate Market by the bell taverne. On the munday after was another great fire in the old bayly; there was also one in Southwarke; there was some committed upon suspicion of doing it on purpose to distract the City. On the 8th late at night my brother Chambrelan came to towne from Holland. . . . 3rd. My wife at Lecture and churcht. . . . 9th. A thanksgiving throughout London for a victory by Winchester. 11th. I very early at tennis and played 8 sets with J. Bingley. I was extreme weary and ill the next day. 21st. I ill and out of temper in the afternoone. . . .

[May.] This last month the sicknesse [plague] was in 3 or 4 houses in our parish, and there dy'd 2 or 3 in each house. There dy'd in all, as appeared by the weekly bill the 16th of this month, 27 of the plague in London and the liberties and 211 of all diseases. . . . Nota: All this easter terme was kept, but small store of business. We heard of noe proclamation of the King, to adjourn it, but however it was ordered it should be kept. May 1st. Wee at hide park and spring garden. . . .

[June] On the 10th being whitson monday my brother and syster Goddard went toward Lynne, having been heere in towne since the 14th of march. They paid £3. 5/ for a coach to Cambridge. . . . 6th. The news of the King's leaving Oxford in some confusion, being pursued by the Parliament forces.³

¹ The defeat of the parliament forces by Prince Rupert at Newark, which was then regarded as the 'Key to the North'.

² Waller's decisive victory over the royalist troops at Cheriton put an end to Charles's plan for an invasion of Sussex and Kent.

³ The action which led to the battle of Cropredy Bridge.

15th. We to Boys to continue. My brother and syster Bysshe with us. . . . Nota : that wee having now in the country about 17 in all in family, my brother and syster Penrice and my brother and syster Bysshe being heere, and my father not coming downe upon saterdies, I doe find that wee doe expend almost 10 stone of beefe one weeke with another, and about 3 quarters of mutton and a quarter of lamb, in all at the most about £1. 15/ p. weeke in butcher's meate. And about one barrell of 6/- beere a weeke, and about 6/- more in bread corne, about 8/- a weeke in butter milke and cheese, and about 6/- p. weeke in rabbits and chickens. And I doe beleewe we doe spend about 10/- p. week more in salt, oatmeale, rootes, pease, sugar, spice and such other things as wee have from London, which is in all about £3. 10/- p. weeke. My brother Penrice and brother Bysshe allow each of them £2 p. weeke, my brother Bysshe having a man and a maid, and my brother Penrice 2 children and a maid but noe man. Sometimes they have horses also heere.¹

[July] Nota : the 2nd of this month was the great fight in the north betweene the Kinge and the Parliament forces neere Yorke,² and about the middle of this month was the City of Yorke surrendered to the parliament forces. On thursday the 18th was the thanksgiving for the victory neere Yorke. There dyed 50 of the plague in London and the out-parishes. . . .

[August.] On the 6th wee dragged the horse-ware³ and the pond at Goodwife Pepper's doore and Jennings his pond. Wee had about 10 good carpe in the horse-ware, and pretty store of tench in goodwife Pepper's pond ; wee put 12 tench and about 18 young carpe and one good large one into the pond beyond the horse-ware, there being, I thinke, none there before. . . . On the 16th my cousin Fisher⁴ had an order of sequestration served upon him from my Lord of Manchester to put him out of his livinge. . . .⁵

[Aug.] Nota : About this time my brother James, being 16 yeeres of age the next Christmas, is just about my height and stature.⁶ I suppose he is not likely to be a tall [man], nor much higher than my uncle Blanchard or my brother Chambrelan. . . .

[Sept.] This month dyed Sir Thomas Barrington and Sir John Cooke who marry'd my wife's grandmother. We spent at Boys £54 in 14 weekes besides the things that were brought from London, whereof I have received, and am to receive £14 of my syster Bysshe, £13 of my brother Penrice and £7 of my aunt Beresford. I have already received £8 of my syster Bysshe, £5 from my brother Penrice and £6 from my Aunt Beresford. The rest is behind. The Brewer's bill for this 14 weekes came unto £6. 18/-. The Butcher's bills for the same time came unto £23. 10/. . . . 10th. I went to Cambridge, the next night to Ely, and on Thursday to Lynne, where I stayed until Wednesday, and returned in one day by Ely unto Cambridge

¹ In the sixteen-forties wheat was dear and beef very cheap.

² The battle of Marston Moor.

³ One of the many ways of spelling ' weir '. A horse weir was a horse-pond.

⁴ Samuel Fisher was instituted to the living of Navestock in 1629. His last entry in the parish register was made on 24 March 1644. On the first page of the book is the following entry, evidently in Fisher's handwriting: ' a note of such brasse as was taken of Navestocke Chancell, Anno 1644.' Then follow the names of four persons whose brasses had been removed.

⁵ John Montagu, earl of Manchester.

⁶ John was described by his son Thomas as ' little and low of stature'.

and the next day unto Boys. Nota : it is from Boys unto Cambridge full 34 miles or rather 35. It is from Cambridge accounted but 10 miles to Ely, but it is rather 12, whereof Denny Fen is a mile and a halfe very bad way, and if it be in bad wether unpassable. It is also accounted from Ely to Lyn but 20 miles, but these are long miles, whereof 4 or 5 miles are over the fens betwixt Littleport and Southery Ferry, and in bad weather or when the spring tides are high, it is unpassable ; much of the way beside in winter is extreme bad. The farther way from Cambridge to Lynn is 44 miles but a very good way.¹ . . . 27 Wee to London for altogether.

[October] Nota : I pay'd my nurse at my coming out of the country, and made even with her to the 4th of this month, being friday, my boy being then just 30 weekes old. . . . On the 3rd of this month the sicknesse was 95 in London and the liberties. On the 10th but 58 and the generall bill decreased 59 (Deo gratias) and the next weeke much lesse.² Nota : my cozen Brockden doth affirme that he and 4 more, whereof the one was 70 yeeres of age when himselfe was about 19 yeares of age, went afoote from London to Bristow in 2 dayes, and were at Bristow an houre before sunset ; which is accounted 99 miles. At the same time I heard my father relate that his schoolmaster's father, one Colt, did goe from Colchester to London and backe again betwixt sun rysing and setting, when he was neere 80 yeeres of age. 22nd. A particular fast for the army. 25th. My teeth ache, not very much, only my gums sore and my face swelled very much, soe I stir not out in very cold weather. . . .

[Nov.] This michaelmas terme my father hired a coach to goe to westminster for 17/- a weeke. He called [for] Serjant Cresswell and Serjant Atkins by the way, and they allowed 5/- apeece a weeke. . . . On the 29th of this month, being tuesday, his Majesty's birthday, ther was seene in the fields neere London, as is very confidently reported by divers, 3 suns and a rainbow with the ends reversed. See the diurnall of this weeke.³ . . . On the 29th I was all night extremely troubled with the toothache and all the next day. I sent for Mr Strugnell who let my gums bleed, put something in my eare, and gave me somewhat to snuffe up in my nose. I thinke he did but little good ; my face was swelled 3 or 4 dayes after. 29th. Sir John Hotham's triall.⁴ I ill of the toothache not there.

[December] On this 8th of december my father sayth he is 66 yeeres old. On the 9th, being monday, the great vote past the house of commons that noe member of either house should have any office in the Army⁵. . . . Nota :

¹ The longer way (by Brandon) is given in old coaching maps as 55 miles.

² If Sir Wm. Petty's rather eccentric calculations can be relied upon, the population of London in 1642 was about 335,000.

³ William Lilly published a pamphlet called *The Starry Messenger*, which dealt with the phenomenon. The following account appeared in the *Perfect Diurnal*, 19 November 1644 : 'I cannot omit to take notice of a prodigious sign in the firmament this day, the truth whereof I have heard attested by several persons of credit, and the more remarkable it being the king's birthday. The manner of it was thus : There appeared three sunnes in a contrary way to that usual, and a Rainbow with the bend towards the earth contrarywise one of the sunnes within the bow, and the two ends of the bow going upward butted at the end of one sun, the other to the other. What may be the effect of such Prodigies I leave to others.'

⁴ Sir John Hotham, governor of Hull, and his son, Captain Hotham, were accused of entering into a conspiracy to surrender the town to the king.

⁵ The Self-denying Ordinance.

the 25th, being wednesday and the last wednesday in the month, was kept a fast, although it were Xmas day, by speciall order of parliament, and it was strictly observed. 10th. I most of the weeke at Captain Hotham's triall. On the 27th, being St. John's day, wee had a feast. There were at it my father Jermyn and my uncle and Aunt Blanchard cum tota sequela, my Lady Richardson, Mr. Hanbury, my brother and syster Bysshe, Holmden and my brother Penrice. My syster lay in.'

1645

In the beginning of the last yeere, as appears by my Almanacke, I could foresee nothing but a long continuance of these unhappy wars. Now at the beginning of the next I am more strongly confirmed in my former opinion, the Scots, as was expected, being now long since entered into a more fertile kingdome than their owne, and as deeply engaged in the warre as ourselves. His Majesty hath not had the assistance of forreigne forces as was feared, and hath notwithstanding, made a shift to hold out the warre without being in any worse condition than he was at the beginning of the last yeere, saving that he hath lost Yorke and Newcastle which wee have gained by the assistance of the Scots, and at this present the King hath as good or a better army in his garrisons than we have, except the Scots. It is not much likely the King can have any considerable assistance from any forreign forces saving from Ireland; which if he have not, unless their¹ own divisions (which are now very great and the whole army being about to be new moulded) do much hinder the² proceedings of the Parliament, he is like to be much the weaker this ensuing yeere, the north being almost cleere for the Scots to advance. As for any Accommodation, although a treaty be agreed unto and the parliament acknowledged by the Kinge, yet it is in my judgement wonderfull improbable, and scarce hoped for by any men of understanding. We know last yeere the french Embassador mediated long without successe, and since the States of Holland have interposed to as little purpose. For my part, my feare is that after wee are a little more depopulated that souldiers begin to grow scarce, wee shall fortify garrisons on both sides very strongly and not venture much into the field, and soe be a divided Kingdome a long time. But if otherwise the warre hold on with such fierceness and vigour as it hath done hitherto, wee shall quickly be soe depopulated that wee shall not be able to defend ourselves against a forreigner. If the King be much worsted he hath a sure retreat into Ireland, leaving his best garrisons strongly fortified. If the Parliament should loose London the King would soone be master of all but the North and Scotland. Scotland is at present infested by some Irish forces,³ which may possibly hinder their advance with any great body. Famine is much feared by many, Deus avertat.

Jan. 1st. Captain Hotham beheaded on tower hill and on the next day after Sir John Hotham his father beheaded. On the 1st wee dine and sup at my Lady Richardson's and next day at my Uncle Blanchard's. On the 10th the Archbishop of Canterbury beheaded on Tower Hill. Very wett wether the most part of January. On monday the 13th my brother James

¹ Greene had first written 'our', then crossed it out and put 'their'.

² Greene again had written 'our' and then substituted 'the'.

³ An allusion to the Irish catholics who had joined the army of Montrose.

begin to learne french. My father gives 8/ p. month for him. My father gives also £5 to one Mr. Burges to teach him to keepe merchants books exactly, and to teach him besides a hand or two.¹ My brother hath learnt to cipher already a good while at another place and can write and cipher pretty well already. Upon friday the last of Jan. my nurse came to towne with my child; he had but 2 teeth. Mon pere dit souvent fois si nous n'avons pas un grand faim & scarcité de vivres devant le prochain hyver si la guerre continue, il ne jamais fiera derechef à son jugement. The last wednesday of this month being fast-day, it was ordered by both houses that the ministers should every where beseech God to grant a blessing upon the treaty which is to begin to-morrow, being the 30th of this month, at Uxbridge.

[February] Nota: my wife was delivered of her 2 child being a daughter on the saterday the 15th of february about 2 of the clocke afternoone... My aunt Beresford came in and told me it had a face as big as my boy, and that it was a worthy babe. It was baptised upon monday the 24 of febr., being Mattias Day, privately at home by Mr. Burdale the minister of our parish. The witnesses were my owne father and my wife's grandmother, my lady Cooke, who being ill my Aunt Ogles stood deputy for her. The other god-mother was my Lady Martyn. It was named Mary, being my wife's owne name and my Lady Martin's also. My Lady Cooke, and my Lady Martin were both heretofore my wife's godmothers also. The next day, being tuesday, the children went both downe in Hill's Coach....

[March] On wednesday the 12th my wife at Lecture, it being also thanksgiving day. She was then churcht. On the saterday after she was with me in Moorefields.... This 27th of march, being the king's day,² the Citty went not to paules as usually heretofore, it being seriously considered on by the Citty beforehand....

From this time onwards there are few entries of public interest in the diary, apart from the brief accounts of the political situation at the beginning of each volume. From the chronicles of small beer, such as weather reports, small ailments, and household matters, a few specimens may be quoted, since they give some insight into the domestic life of the period.

On the 13th of Aprill I leave off my knit wascoate a nights and put on only my course halfe shirts, and also weare only my dimity sleeves a days, the wether being very warme.... Nota: our mayd Mary Harsnett came the 15th of this Aprill, and is to have £3 per annum till my boy come from nurse, and £3. 10/ afterward....

[May] On the 8th of this month my man Francis Vere came to stay with me. I have agreed to give him £5 per annum and to wash his linnen, or else £6 per annum and he is to pay for his washing himself.... On the 22nd my father bought his grey gelding of Mr. Beale. He cost £10. On thursday the 20th of May the weekly bill for London and the liberties came to in all but 154, whereof but 2 of the plague. Notwithstanding, the plague is in divers parts of the Kingdome as Newcastle, Lyn, Bristow, Salisbury....

[July] On the 2nd, being wednesday wee went into the country to continue.

¹ James, after the fashion of younger sons at that period, was evidently going into business.

² The day of the king's accession.

The 22nd a day of thanksgiving for a ¹ victory at Langport in the west. On the last day of this month I went to London to Surrey Assizes and stayd till saterday. . . .

[August] The 11th was Blackmore faire day. My wyfe and I and my brother Chambrelan at Captain Smyth's and at the fayre. . . . On the last weeke in August there dyed about 160 of the plague and 408 of all diseases. [September] On Munday the 8th my father went to keepe his Courts for St. Thomas Hospitall. I went the first day's journey with him to Farndon and returned the next day by Sir William Martin's, where I dyned and was very welcome. . . . Sept. 18th. 108 of the plague and 359 of all diseases. Nota : that I meane still in London and the liberties, besides Westminster, Stepney, Hackney &c. . . .

On thursday the last of this month, the Lord Mayor Adams ² was sworne at the exchequer. Mr. Recorder Glin ³ first made a speech which Baron Trevor answered. I was present. The judges were this day all in scarlet and the Serjants in violet, but the judges were not invited to the new Lord Mayor's to dinner. There was no galley foyst ⁴ on the water, only 2 barges with flags, and the chambers went off upon the shoare.

[December] This Christmas Day, the Parliament having made noe particular order for nor against the observation of it, there were not above 2 or 3 sermons in all London. The shops generally shut up, only 1 or 2 open in Cheapside and 5 or 6 upon Ludgate Hill, and some in other places. There was some hubub about those shops that were open and some watch to protect the shops ; yet notwithstanding some were forced to be shut up by the boys throwing of stones.

E. M. SYMONDS.

(*To be continued*).

The Militia in 1685

THIS hitherto unpublished letter contains a most spirited account of the condition of the militia in the west of England at the time of Monmouth's rebellion. It fully confirms all that Macaulay ⁵ and Fea ⁶ state of the untrustworthiness of the trained bands. The latter part of the letter illustrates vividly the rumours to which the countryside was a prey. G. DAVIES.

British Museum Add. MS. 38012

Laving[?ton], June the 27th, 1685.

Sir :

Immediately after I had sent away my last to you we received certain information that the Duke of Monmouth's being at Lime, and presently

¹ Greene had first written 'our victory', then crossed out 'our' and put 'a'.

² Sir Thomas Adams (1586-1667) was royalist in his sympathies. During his year of office his house was searched by the parliament men, who hoped to find the king concealed there. He was created a baronet in 1660: *Dict. Nat. Biography*.

³ Sir John Glynn (1603-66), made recorder of London in 1643: *ibid*.

⁴ A state barge. The word was usually applied to the lord mayor's barge.

⁵ *History of England*, ed. Henderson, pp. 149, 153.

⁶ *King Monmouth*, ch. xiii.

after that a warrant for our foot soldiers to be that night at the Devizes; but I believe never did such confusion and disorder appear. First the locks being almost eat to pieces with rust. After this there was never a bullet mould to be had neither here nor at Market Lavington and, if we had not thought of Laman by chance that possibly he might have one to make bullets for some of his guns, we must needs have sent them away without ammunition. When they were forced by the constable to go in out of town they cried some of them like children going to be whipt. Never I think were such fainthearted cowards seen, for they now thought they were leaving their beloved bacon and cale and going on to certain destruction. Neither I think were some of their commanders more valiant, for Mr. Noys the lieutenant of our company appeared amongst them with a white cap and a sad countenance, being taken extremely ill on a sudden. Tis said the King is sending some forces against them and I hope tis true, for if I may guess at other militia men by ours, 3 valiant rebels may beat 3 score of them. Major Talbot is just now with his Troop of Horse gone through our town intending for Shaftesbury this night, and I hear the foot companies that are not at the Devizes under Col. Duckett are to follow. Yesterday one Coleman living in a great house at the Devizes passed by here for Salisbury gaol for entertaining some horsemen well mounted and armed which tis thought were for the Duke's service, but they could not take the men. Now I hear there are 3 more out of the Devizes going to prison, some for making arms which were foun[d] hid in their houses and another for speaking treasonable words. I do not find any here about flock into the Duke as it was thought they would. The news at our bakehouse is that my Lord Abingdon was like to be put in the Tower again, because he was too good natured as not to suffer Oates to be whipt to death, that the harvest this year must be brought in all by the women, the men being all to be killed in battle, that there was a minister preached before his Majesty and told him there should be 3 Kings this year and he presently pulled him out of the pulpit, that there was a parliament man killed in the house because he would not consent to the bill, that people must be famished this year because no corn must be imported. I know not from whence these idle reports proceed or how it is possible for men to raise them, but what between the poor people's fear of death and want and the better sorts fear of losing what they have by soldiers or war I never knew such a general discontent or heard such murmuring and complaining. I hope in a little time to hear of the Duke's being taken or defeated, that so all things may be calm and settled again, which is the hearty prayer of Sr

Your most affectionate humble servant,

John Martin.

To ye Reverend Mr. Will. Moore at the
Right Hon.ble the Earle of Abingdon's in
Newport Street at the upper end of
St. Martin's Lane, London.

The Cost of the Diplomatic Service, 1747-52

THE cost of the British diplomatic service in the eighteenth century was defrayed out of the civil list and no regular accounts of its annual cost have been preserved.¹ The annexed document (A) is an official estimate of its cost for 1752, and gives for purposes of comparison the actual cost of the service in the five preceding years. (It must be noted, however, that the estimate excludes of necessity the fluctuating 'extra extra' payments, which are included in the totals for the preceding years.) The date of the document gives it a further claim to attention. In 1751-2 Henry Pelham was completing his great work of restoring the national finances² after the disorganization caused by the Austrian Succession war; and the document provides a concrete example of Pelham's careful overhauling of the administrative expenses of government, which was the main feature of his 'oeconomical measures' and enabled him to consolidate, and cut down the interest on, the National Debt.

Members of the British diplomatic service received three different kinds of payments: (1) ordinaries, (2) extraordinaries, (3) extra extraordinaries. (1) In regard to ordinaries there were six regular grades of foreign ministers:

- (a) Ambassador £100 a week or, less frequently, £10 a day.³
- (b) Envoy extraordinary and minister plenipotentiary £8 a day.
- (c) Envoy extraordinary £5 a day.
- (d) Minister £3-£5 a day.
- (e) Resident £3 a day.
- (f) Secretary of embassy (or secretary at a court where no British minister was maintained) £2 a day.

(2) In addition to these 'ordinaries', during the time of his mission each minister received a regular 'extraordinary' allowance for expenses which varied not only according to his rank, but according to the court at which he was resident. Thus, while an envoy extraordinary to the empress of Russia received £600 per annum, an envoy extraordinary to the king of Portugal received only £300.

(3) Any expenses beyond the normal expenses covered by the extraordinary allowances were termed 'extra-extras'. These included a grant for 'equipage', varying from £300 to £1,500, when

¹ Particulars of payments made to individual foreign ministers can readily be obtained from the account books preserved in the Public Record Office (general reference E. 403).

² Coxe, *Pelham Administration*, ii. 221-2.

³ Ministers with the rank of minister and plenipotentiary were also frequently paid at this rate. In the mid-eighteenth century the lower rate seems to have been paid only to ambassadors to the Russian court (Hyndford and Williams, although Tyrawley in 1737 was paid at the higher rate) and to Holderness as ambassador extraordinary at Venice (1744-6).

a minister was first appointed or took up a new mission, usually paid before the departure of the minister from England, along with the normal advance of ninety-one days' pay. Another large item under this head was the payment of ministers' expenses while travelling in the course of their employment, e.g. with the Saxon court on its biennial pilgrimage between Dresden and Warsaw or Grodno, or with the Russian court on its occasional migrations from St. Petersburg to Moscow. A third large item was the reimbursement of ministers' expenses for secret service. An interesting example of such expenditure is given in Document B.

Document A has yet another feature of interest, since it establishes for 1752 the relative cost of the diplomatic and consular services. Out of an estimated total expenditure of £58,767 10s., only £3,230 is strictly speaking assigned to the consular branch, although a proportion of the residents' salaries should also be included as their duties were largely consular. The list of consuls, moreover, is not quite complete, e.g. Baron Wolff, one of the leading St. Petersburg merchants and for long British consul there, is not included, presumably because he received no salary from the Crown. But after making all allowances, the British consular service of the eighteenth century was undeniably inadequate for the growing foreign commerce of Britain. It is curious that a government whose foreign policy is popularly believed to have been dominated by the need of promoting the commercial interests of the country, if necessary even by prolonged and costly wars, should have given so little attention to the consular service. This fact, among others, suggests that a qualification of the traditional view on this point is desirable.

D. B. HORN.

A

British Museum Add. MS. 32737, fo. 550.

A List of Foreign Ministers with their Several Ordinaries and Extraordinaries.

	Ordinaries.	Extraordinaries.
Earl of Albemarle Ambassador Extraordinary and Plenipotentiary to the Most Christian King 100 l. p. week	£5200	£1600
Monsieur de Cosne Secretary to the Extraordinary Embassy to the Court of the Most Christian King 40 s. a day	730	400
Benjamin Keene Esq ^r Ambassador Extraordinary and Plenipotentiary to the Catholic King 100 l. p. week	5200	1600
Charles Townshend Esq ^r Secretary to the Extraordinary Embassy to the Court of the Catholic King 40 s. a day	730	400

	Ordinaries.	Extraordinaries.
Sir Charles Hanbury Williams Envoy Extraordinary and Plenipotentiary to the King of Prussia 8 l. a day	2920	400
Earl of Rochford Envoy Extraordinary and Minister Plenipotentiary to the King of Sardinia 8 l. a day	2920	400
Joseph Yorke Esq ^r Envoy Extraordinary and Plenipotentiary to the States Gen ^l of the united provinces 8 l. a day	2920	600
Robert Keith Esq ^r Minister to the Emperor of Germany and to the Empress Queen of Hungary etc.		
4 l. a day		
3 a day		
And as Plenipotentiary 7 —	2555	600
Abraham Castres Esq ^r Envoy Extraordinary to the King of Portugal 5 l. a day	1825	300
Walter Titley Esq ^r Envoy Extraordinary to the King of Denmark 5 l. a day	1825	400
Sir James Gray Bar ^t Envoy Extraordinary to the King of the Two Sicilies 5 l. a day	1825	400
Melchior Guy Dickens Esq ^r Envoy Extraordinary to the Empress of Russia on 5 l. a day	1825	600
Onslow Burrish Esq ^r Resident in the Austrian Low Countries and also at the Court of the Bishop of Liege and Minister to several Princes in Germany 5 l. a day	1825	400
Solomon Dayrolle Esq ^r Minister at the Court of Brussels 5 l. a day	1825	300
Andrew Mitchell Esq ^r [Commissary <i>re</i> Barrier] 4 l. a day	1460	
William Mildmay Esq ^r [Commissary <i>re</i> prizes and America] 3 l. a day	1095	
Do. 20 s. a day for a Secretary	365	
John Murray Esq ^r Resident with the Republic of Venice 3 l. a day	1095	
Arthur Villettes Esq ^r Minister to the Swiss Cantons 3 l. a day	1095	400
James Cope Esq ^r Resident with the Hans Towns 3 l. a day	1095	300
Horace Mann Esq ^r Resident with the Great Duke of Tuscany 3 l. a day	1095	400
James Porter Esq ^r [Commissary to treat with those of Emperor of Germany <i>re</i> trade of his subjects] 3 l. a day	1095	

	Ordinaries.	Extraordinaries.
Daniel Webb Esq ^r [Commissary to settle war a/cs with States General] 50 s. a day	912-10/-	
Michael Hatton Esq ^r [Secry to Commissaries <i>re</i> Barrier] 40 s. a day	730	
Michael Hatton Esq ^r Consul at Ostend Nieuport and Bruges 200 l. p. ann.	200	
Charles Petticrew Esq ^r Consul Gen ^l at Tetuan 400 l. p. ann. and 250 l. p. ann. in lieu of all demands	650	
Stanhope Aspinwall Esq ^r Agent and Consul at Algiers	600	
John Burnaby Parker Esq ^r Consul at Madrid 500 p. ann.	500	
Charles Gordon Esq ^r Consul at Tunis 300 l. p. ann. and 200 l. p. ann. in lieu of all demands	500	
Robert White Esq ^r Agent and Consul General at Tripoli 380 p. ann.	380	
Edward Hay Esq ^r Consul at Cadiz and Port St. Mary 200 p. ann.	200	
Isaac Jemincan Esq ^r Consul at Naples 200 p. ann.	200	
Charles Holzendorf Esq ^r on 400 l. p. ann. for service performed and to be performed to his Majesty in Foreign Parts	400	
Brindley Skinner Esq ^r 30 ^{sh} . a day till provided for in his Majesty's Service	547-10/-	
John Burnaby Esq ^r 30 ^{sh} . a day till provided for in his Majesty's Service	547-10/-	
Frederick Lawrence Esq ^r 300 l. p. ann. till provided for in his Majesty's Service	300	
	49187-10/-	9580 (<i>sic</i>)
		49187-10/-
		Total 58767-10/-

The Amount of the Expenditure to Foreign Ministers in the 5 years following, viz.

1747	92066-11-3
1748	46066- 3-9
1749	61731-17-2
1750	68517-10-2
1751	66388-15-1
	<u>334710-17-5 (<i>sic</i>)</u>

Taken at a medium of 5 years amounts to 66,942-3-5½.

B

Brit. Mus. Add. MS. 32817, fos. 254-7.

[Hyndford's Bill of Extraordinaries for Secret Services from May 1 1745 to July 1 1749.]

Presents made at the Court of Russia from 1743 (*sic*) to 1749 inclusive.

To the Great Prince ¹ a Transilvanian Horse which the Chancellor ask'd for His Highness	£150
An Italian fiddle for ditto	18
An English ditto for ditto with Bow strings and a Case	17-10/-
An English Sash and gorget	6-1/-
To the Great Princesse ² a gold sponge box in the form of an egg at Easter	80
To ditto at different times green usqubauch	12
To the Grand Veneur ³ a Pack of English Hounds and two Irish Wolfdogs	55-14/-
To the Chancellor's Lady as gossop at the Christining of Count Finkinstein's son a gold Etuie sett with small Diamonds	59
Expenses to Nurses at the said Christining	5-5/-
Presents in money to the Grand Veneur's huntsmen and servants at Gostilitz	59-6/-
To General Apraxin at different times Spanish Wines, English beer, Usqubauch, barbados Waters, Spanish and Rappi snuff etc.	107
To ditto a sett of coach horses for his studd at half price to oblige him	100
To the Chancellor at different times Wines, beer, and other Liquors	70
To ditto a sett of Horse Furniture that cost at Berlin	140
To Count Schowaloff ⁴ in English beer	20
To the Favourite Archbishop of Troitza to Entertain the Empress English beer and Cyder	35-5-6
To Count Santy the master of Cerimonies a shaving Equipage mounted with Silver, Wines, English beer, and other Liquors	52
To the fourriers and other servants of the Court at different times for presents from the Empress of Astracan arbouses, mellons, and grapes	115
To Mr Ulsoufieff of the Colledge of Foreign Affairs in several Liquors	15
To Secretary Ivanoff for services	50
To Prince Scherbatow in wines, beer, and other Liquors	35
To the State Dames of the Court at different times liquors, beer, and snuff etc.	55-6/-
To Secretary Wolkoff in money	25
To ditto a gold watch for services	23
To Princesse Cantimire a Horse	20
To the General Post directeur Ash for services in Hungary wines	40

¹ Charles Peter of Holstein-Gottorp.

² Catherine.

³ Razumovsky.

⁴ The rival of Razumovsky in the Empress's favour.

To His daughter the chief favourite two India boxes	20
To the Empress domestiques at Her Palace of Czarsky sielo with General Pretlack ¹	25
At Cronstadt with ditto	25
For concealing Mr. Seitz (a relation of Countess Bestucheff at the Chancellor's desire) in my house two months and sending Him privately out of the country with money, he having killed an officer in a Duel	65
He was afterwards a Lieutenant in Schulembourg's Regiment and killed at the Siege of Genoa.	

[Total £1500-7-6]

¹ Austrian ambassador.

Reviews of Books

The Archaeology of Ireland. By R. A. S. MACALISTER, Litt.D. (London : Methuen, 1928.)

PROFESSOR MACALISTER'S pre-eminent qualifications for writing an authoritative treatise on this subject are well known. Not only is it a subject to which he has devoted a great deal of thought and study, but he has had considerable practical experience of excavation in prehistoric sites both in Ireland and elsewhere, and he has written many illuminating monographs on particular subjects or about particular sites. Indeed, in reading this book, we feel that there is much more that he could tell us, and that we should like to know, concerning many of the subjects about which he writes ; but of course there are inexorable limits of space to be observed, and in a general survey a general balance of attention must be maintained. The numerous references given to special monographs will, however, enable the reader to pursue farther most lines of inquiry.

The preliminary chapter on 'The Country and its People' includes some of the broad ethnological inferences that may be drawn with the help of archaeology. The oldest remains of man in Ireland are dated no farther back than 7,000 years, in marked contrast to the vastly greater period assigned to palaeolithic man in Europe. These pre-Celtic Irish were a long-headed dark folk cognate with the Picts of Scotland, and, like them, they practised exogamy and traced descent through the mother. The commencement of the Celtic immigration is placed c. 400 B. C. The iron weapons of the immigrants gave them a great military advantage. Nevertheless their domination of the island was a very gradual process, as may be judged from the fact that in Ptolemy's map of Ireland, some 500 years later, nearly all the names of peoples are non-Celtic except in the south-east corner. Moreover, it did not lead to a unified kingdom. So much Dr. Macalister concedes, but what follows leads us to doubt the impartiality of his judgement in matters of historical record where Ireland is concerned. 'To describe the Ireland of the Celtic period', he says, 'as an anarchic welter of isolated tribes which were always fighting among themselves . . . is simply untrue.' Thus baldly stated, such a description would no doubt be an exaggeration, and yet the picture is suggested by her own annalists. How does the Professor meet this difficulty ? 'Probably as many people', he says, 'might be killed in a modern faction fight as were killed in any of the "great battles" recorded in the ancient annals' (p. 19). Is not this at least as great an exaggeration as that which he so tersely stigmatizes ?

The second chapter is concerned with 'The Ages of Stone and of Bronze'. They are treated together because no hard and fast line can be drawn between them, seeing that flint implements continued to be manufactured with

little modification down to the introduction of iron. This chapter and that on the 'Age of Iron' occupy 180 pages and appear to treat, however briefly, of every class of human handiwork which has survived in Ireland from pre-Christian times. Throughout we recognize a master's hand, at once firm and cautious. There is one important point on which we may venture to express a doubt. It concerns the date of the labyrinth pattern on the 'Holywood Stone', now in the National Museum. The present writer had given some reasons for thinking that this complex labyrinth pattern, which follows exactly the pattern on some Cretan coins, a Danish cross, and certain ecclesiastical tiles in France, &c., was carved on the rude stone on 'the Pilgrim's Way' between Holywood and Glendalough after the Church had given to the symbol the spiritual significance of the *Via Vitae*.¹ But Dr. Macalister now says that its bronze-age date has been 'established by the late Dr. Bremer, who has discovered a similar labyrinth among the undoubtedly bronze-age sculpturings on a stone at Sess Kilgreen' in Ireland (p. 100). But a glance at Dr. Bremer's photographic reproduction² should suffice to show that the Sess Kilgreen design is not 'a similar labyrinth', nor a labyrinth pattern at all, but the well-known figure of a cup and a number of concentric circles with a radial groove intersecting some or all of them. Dr. Bremer, it is true, also gave a drawing of a rock-carving from Peña de Mogor in Spain, which is a true labyrinth pattern, but he omitted to give his authority or any tangible grounds for its attribution to the bronze age. Moreover, in *The Builder* (a Masonic organ published at St. Louis, Mo., U.S.A.) for last September the editor has inserted a photographic reproduction of a rough labyrinth pattern, seemingly similar to that on the Holywood Stone, cut on the rock-wall of the Casa Grande, a 'National Monument' in Arizona. The bearing of this on the question of date must be considered before a final opinion can be formed.

Next comes an important chapter on the beginning of written record in Ireland. From such correct details as the use of chariots in the Cuchulaind Saga and the absence of all mention of them in the later Finn cycle, Dr. Macalister argues that the sixth- and seventh-century writers, who may have used parchment and the Roman cursive script, must have had some literary materials linking them with the La Tène period. The question how and in what script these materials were preserved leads to an interesting discussion on the formation of ogham characters, which, like runes, were cut not only on stone but on staves of wood. But ogham would be a very cumbrous script and could only have been used on very short inscriptions, such as have survived on pillar-stones. Now one of these has also some words in Roman capitals. This 'bilingual inscription' for a long time puzzled epigraphists, but Dr. Macalister gives a very ingenious explanation. Anyhow, the stone is evidence of a script in Roman capitals contemporary with the cumbrous ogham, and Dr. Macalister thinks that this script was used in pre-Christian times on waxed tablets, to which there are allusions, and one of which, of the Christian period however, has survived.

In Christian times the arts became more and more associated with the

¹ *Journal, Royal Society of Antiquaries of Ireland* (1923), liii. 177-89.

² *Ibid.* (1926), lvi. 51.

Church. Here we are on more generally familiar ground. The Hiberno-Romanesque church, the sculptured cross, the illuminated gospel, and the ornamented chalice and crozier and shrine, have all been treated by able writers and have received their due need of praise. There are, however, few of these subjects on which Dr. Macalister, who is always interesting, has not something fresh to say. He has a good word even for the Scandinavians. 'They gave', he says, 'more than they took away. They pillaged cruelly: yet the time of their domination was a time of great activity in art-production.' But for the period after the Norman invasion he sees 'nothing but enthusiasms crushed, nothing but a material and moral decay', so hard is it to see this period of Irish history 'steadily and see it whole'. He does not end, however, in a minor key, and his *tierce de Picardie* is one in which we can all join, and wish 'God speed' to the newly launched barque of the *Saorstát*.
GODDARD H. ORPEN.

The Etruscans. By DAVID RANDALL-MACIVER. (Oxford: Clarendon Press, 1927.)

THIS is an admirable little volume of a 'popular' nature, if by 'popular' is to be understood a very readable book in which there are no references and no bibliography, and where the author is so anxious not to appear 'learned' or 'dull' that, with a modesty which I feel to be excessive, he refers only once, in the only foot-note in the book, to his own monumental work, *Villanovans and Early Etruscans*, published by the Clarendon Press in 1924. He even tells us nothing of its sequel, *The Iron Age in Italy*; so that any one who happened to throw away the 'jacket' might well go on in blissful ignorance that, unlike so many books of the 'popular' class, this fascinating little volume was written by a real authority on his subject. Be that as it may, there is nothing but praise to be found both for the manner and the matter of this handy book as an introduction to a difficult and extremely interesting subject, in which another Englishman, George Dennis, was one of the pioneers. The progress of Etruscan studies, both in and out of Italy, is now being furthered by a newly established permanent committee in Florence, the promoter of the first international congress on the subject, which was successfully held there at the end of April last.

It is, therefore, very comforting to hear, after all the doubts that have been expressed on the subject, that we may accept with confidence the tradition which Herodotus records, that the Etruscans came from Asia Minor (if not actually from Lydia, which is a matter of less importance), and brought their alphabet with them. And another point that is worth emphasizing, after the tyranny of Greece under which Roman art has suffered—for, according to one school of thought, what is not Greek in Etruscan or Roman art is not art at all—is the author's considered opinion that, while the earliest Etruscan art is influenced, not by Greece, but by Asia Minor and the Levant, the sculptors of the Roman Empire owe less to the Greeks than to the Etruscans.

When the author speaks of the continuity of art tradition in Tuscany, we may perhaps wonder how much the men of the fifteenth and sixteenth centuries really knew of the *actual* works of their Etruscan ancestors.

I know myself of only one drawing of an Etruscan painting, and of none of a Greek or Etruscan vase, before the seventeenth century; and the artists of the Renaissance had a way of drawing most things that interested them. And I feel that there *may* be a gap: certainly one cannot trace the steps. Just in the same way, while it is quite true that the plan of a Roman house at Ostia is exactly like that of a small fifteenth-century house in Rome, yet, inasmuch as Ostia had then been buried deep in sand for centuries, one cannot be certain that there is direct descent. To prove this one would have to find similar likeness in, say, houses of the tenth or twelfth century.

Another Etruscan characteristic that may have been transmitted to medieval and Renaissance Italy is the intense political individualism of her cities: when we read of the abandonment of Veii to her fate, we certainly realize how history repeats itself. However, this did not extend to the realm of art and architecture at either period, and travelling craftsmen may have worked all over the country, though the citation of the 'Comacine masters' as a parallel to the workers in terra-cotta in ancient Italy shows that Professor Hamilton Thompson's demonstration that *co-macinus* (like *co-monachus*) only means a mason working with others on one job has not become sufficiently widely known.

T. ASHBY.

Die älteren Urkunden des Klosters Blandinium und die Anfänge der Stadt Gent. Von OTTO OPPERMAN. 1ster Teil. Text, 2ter Teil. Facsimiles. (Bijdragen van het Instituut voor Middeleeuwsche Geschiedenis der Rijks-Universitet te Utrecht, xi und xii. Utrecht, 1928.)

Blandinium is the early medieval name of the abbey of St. Peter's at Ghent, the name *Ganda* being reserved for its sister house of St. Bavo. St. Peter's was the mother house of Lewisham priory, the gift of Alfred's daughter, Ælfthryth, who married Baldwin II, count of Flanders. It had also an estate in London which included a wharf. Its evidences thus have an English interest, though they are naturally more important for the history of Flanders, in which Ghent has a special importance owing to its position on the boundary betwixt the territories of the French king and the emperor.

The documents with which Professor Oppermann deals extend from the seventh century to the end of the twelfth. Most of them have been rather badly printed by Van Lokeren in his *Chartes et Documents de l'Abbaye de Saint-Pierre*, published in 1868. Others are found in Fayen's *Liber Traditionum S. Petri*, published in 1906. As the acts of early kings and emperors have from time to time been collected and published, those of them which affect St. Peter's have had their share of criticism, and many of them have been rejected as spurious. It is therefore all the more fitting that they should be, as in these volumes, examined as a group. They do not come well out of Dr. Oppermann's unsparing hands. He is a more rigorous critic than even MM. Halphen and Lot, and the percentage of documents which he will admit as genuine and ungarbled is very small indeed.

The method adopted is to begin with the ostensible originals, of which St. Peter's has a large number. They make a fine show in the album of facsimiles. Out of thirty-two of these, dated from 960 to 1088, all but six

betray themselves as imitations of the latter half of the eleventh century, either by the use of late forms of letters, by precocious contractions, by the use of majuscule for proper names in the body of the document, or (in two cases) by impossible seals. A comparison with the hands of the *Liber Traditionum* (of which facsimiles are given) makes it possible to attribute about two-thirds of the documents to two successive scribes of that book whose point of contact is about 1070. After this, the whole of the documents, whether alleged originals or transcripts, are diplomatically examined by comparison with parallel documents, when possible authentic, but at any rate from independent sources. From this comparison certain forms of diction and allusions to the cult of certain saints detach themselves as indications of late date and consequently of forgery. The hagiographical and annalistic literature connected with the monastery is then examined, and certain tricks of style are found common to some of these works and to particular groups of spurious or garbled charters. A rhyming prose is found in both, and the *Annales Blandinienses* and the *Genealogia Comitum Flandriae* show the same chronological mistakes as the charters. The conclusion is thus reached that the majority of the evidences earlier than 1100 were concocted or garbled by two successive monastic scribes named Onulfus and Theodoricus. The object of this group of forgeries appears to have been to secure freedom of election of the abbot and to prevent episcopal interference in churches belonging to the house, which was at the time one of secular canons, and not, as before and later, Benedictine.

Similar treatment is applied to the documents of the twelfth and thirteenth centuries. A larger proportion of these is genuine, but a number of them show signs of having been forged about 1220. Many of these seem to be directed to justify the conversion of advowsons into appropriations.

A final chapter sums up the diplomatic and historical results of the inquiry. We get a much more definite idea of the chancery of the counts of Flanders than was possible before, and can represent to ourselves with tolerable certainty the general appearance of the documents which issued from it at different dates, noting the late date at which the instrument begins to be its own attestation. At first it depends for authenticity mainly on the solemnity of its promulgation. The historical conclusions involve the whole history of the relations of Flanders with France, England, and the Empire, and cannot be indicated briefly. Ghent itself is traced from a town of the garrison type familiar to us in Domesday to an organized municipality, and political and economic reasons are offered for the gradual nature of the change.

It remains to say a few words about the Lewisham evidences, especially as Dr. Oppermann is clearly less at home with English than with continental documents. (He describes William Clito, for instance, as *brother* of Henry I.) He does not mention the enrolment of the charter of Edward the Confessor of 1044 (his vL 124) on roll T of the *Cartae Antiquae* rolls at the Public Record Office, though as it occurs on a roll containing no charters later than Richard I, and apparently written in the earlier years of the thirteenth century, this fact fits fairly well with the date which he assumes for its forgery. Nor has he had access to the later copy in part i of the *Registrum Hamonis Hethe* issued by the Canterbury and York Society, which shows that the charter, or a transcript, was

produced about 1320. He regards the charter of Ælfthryth of 918 as certainly representing a real transaction, and possibly imitated, about 1070, from a lost original, the only trace of which is left in the *sanctio*. It is rather curious that he should retain the form Elstrudis for the name of the donor, since it embodies an obvious palaeographical blunder of *s* for *f*. Edgar's charter of 964 (vL 38, Hamo, p. 32) he regards as genuine, since the bulk of it can be paralleled from other charters of like date printed by Kemble. But he shows that the exemption from the threefold burden, the allusions to Dunstan, and the misdescription of Ælfthryth and King Edward are spurious. The charter of Edward the Confessor of Christmas 1015 (vL 96), an ostensible original, was written by Onulfus about 1070, but was probably imitated from a charter of that date. That of 1044 (vL 124) and William the Conqueror's of 1081 (vL 156, Hamo, p. 28) are probably imitated from a genuine charter of John, though here again the dating clauses are probably genuine. These forgeries are attributed to about 1220. The charter of William II (vL 159, Davis-Whitwell, p. 323) is wrong in form and certainly spurious. Two charters of Henry I (vL 170 and vL 171) are passed as genuine, except for the grants of a market in Greenwich and other liberties which are rejected as not confirmed by Stephen's charter (vL 215). The latter of Henry's grants is found in *Cartae Antiquae* roll T. Dr. Oppermann has missed Henry II's charter, dated at Chinon (Hamo, p. 34), which appears in the same roll. Nor does he notice John's grant of 1209 (Hamo, p. 35; *Rott. Chart.* i. 184). The genuine charter of Henry III in 1229 (vL 308) affords Dr. Oppermann a *terminus ad quem* for the forgeries. The bulls of Eugenius III (Hamo, p. 36) and Alexander III (Hamo, p. 37) are unknown to him.

It is worth noticing that Dr. Oppermann attributes the customs of Newcastle-upon-Tyne to the reign of Henry II on the ground that the principle 'Stadtluft macht frei' is an anachronism for the reign of Henry I. But the allusion to the reign of King Henry as a past time, the writing of the document itself (of which a facsimile will be found in *Archaeologia Aeliana*, 4th ser., i. 169), and the grant of a like liberty to Wearmouth by Hugh Puiset (dated by Mr. Lapsley 1180-3), make it clear that the Henry meant is Henry I, whether or not the custom did actually exist in his reign.

Two errors should be noted for a future edition. The usual contraction for *misericordiis* is read *meriis* (?) (p. 286, col. 1), and *mansiones* (p. 377) in a decree of the council of Clovesho is wrongly explained. The passage quoted shows that it is merely an equivalent for *Casati* and not a group of them, as Dr. Oppermann argues. Such slips in no way detract from the merit of a work which has an importance of its own as an admirable example of patient and methodical investigation.

CHARLES JOHNSON.

The Great Roll of the Pipe for the Fifth Year of the Reign of King Richard the First, Michaelmas, 1193. Edited by DORIS M. STENTON. (London: Pipe Roll Society, 1927.)

THE year 1193, covered by the present Pipe Roll, was one of stirring events. Richard had been captured late in the preceding year in Germany on his return from the Holy Land. The news reached England early in 1193, and soon after came information of the ransom demanded. Philip of France

invaded Normandy in the spring. In England preparations were made for raising the ransom. The attempt of John to gain the throne brought civil war and danger from his allies, the Welsh and the French. Traces of these events are to be found in the roll, and Mrs. Stenton has carefully assembled the evidence in her introduction. She has shown that the Welsh disturbance was more serious than modern writers have considered it to be, and has also drawn attention to the large sums spent in garrisoning and repairing the castles on the Bristol Channel and south coast to meet the threatened danger from John's allies.

The roll is, like all its kind, filled with items of interest on many subjects, but, because of the unrest in England, it is far more informing than its immediate predecessors about military affairs. The sober records of the expenses connected with the garrisoning of castles, the siege of Windsor, and the assembling of the army at Gloucester, furnish us with a picturesque array of armed men on horseback and on foot. Knights were hired to serve in castles and in the open, and were paid one shilling a day. Below them were the soldiers (*servientes*) of many kinds. Those who received the highest wage, sixpence a day, were such as had a hauberk and two horses (*servientes cum halbergellis et cum binis equis*). Then came those with a hauberk and one horse, others described as having a hauberk, and still others as simply mounted: each of these was paid fourpence a day. At the bottom of the scale came the foot soldiers (*servientes pedites*), who received a daily wage of twopence, save a group recruited in Hereford who were paid only three halfpence (p. 86). One large body of five hundred foot soldiers hired in the marches of Wales are said to have had among them twenty-five masters (p. 99). Archers and slingers are also mentioned, the latter receiving the wage of a foot soldier, twopence.

These mounted men and foot soldiers were doubtless humble folk for the most part, and yet they deserve a place in the descriptions of the armies of the twelfth century. Now that the Pipe Rolls are being made available in print it may be hoped that modern writers will give more attention to the paid soldier. The knight in full armour and on horseback, serving his forty days, has too long monopolized the interest of historians.

Military engines also find their place in the expense accounts. Stone-throwers (*petrariae*) were used at the siege of Windsor. For these three boat-loads of stone were sent from the county of Kent, and among the expenses of the sheriff of Bucks and Bedford there is an item of seventeen shillings and twopence, for carrying stones for the stone-throwers and other military engines of the king at Windsor. Mangonels were made for the defence of the castles of Winchester, Porchester, and Bolsover, as well as the Tower of London. For the building or repair of the stone-throwers at Windsor there were sent cord, iron, skins, timber, and other necessities. Engineers were employed to direct the strengthening of the defences of castles.

Mrs. Stenton has performed her editorial duties admirably. It may, however, be pointed out that the *fleccarius* who, with a smith, was paid for services at Winchester (p. 133), was probably a fletcher, a maker of bows, not a butcher (p. xvii), and that both served for sixty-seven, not seven, days for twopence a day. It is again hardly possible to state that all but £31 18s. 8d. of the large sum spent for the siege at Windsor was for 'the hiring of knights and serjeants' (p. xviii), since it is noted that Ralph of Win-

chester was paid £78 8s. 6d. *pro pannis ab eo receptis ad opus militum et servientum qui fuerunt apud Windr' in servitio R[egis]*. (p. 44). Attention may also be drawn to the fact that extraordinary levies, such as those used for raising the king's ransom, were not ordinarily paid into the treasury at Westminster for some generations to come, even when the exchequer was in session (p. xxiii). During the greater part of the following century a very large part of the royal revenue never reached that treasury.

JAMES F. WILLARD.

Stephen Langton, being the Ford Lectures, delivered in the University of Oxford in Hilary Term, 1927. By F. M. POWICKE, F.B.A. (Oxford: Clarendon Press, 1928.)

PROFESSOR POWICKE clearly found a subject to his liking when he designed this study of Stephen Langton. The man himself was interesting, as theologian, scholar, and statesman; his career was varied and striking; he played a great part in great events; and no charge has ever been made against his character or conduct, if we except the possibility that he was the first prelate in England who caused a heretic to be burned. He was by birth an Englishman; his mind was formed in the university of Paris, an international place of learning, and much of his work was done there as a teacher and student. For a short time he was at Rome, a member of the court of Innocent III, one of the greatest of the popes, and from that training he returned to his native country as archbishop of Canterbury in days of stress and trouble. If we try to put his life into periods, remembering that there are but few certain dates to guide us, we may guess that he was born about 1165, that he was about twenty years of age when he went to Paris, that he left Paris for Rome in 1206, and was elected to the archbishopric in the same year, that owing to the quarrel between the pope and King John he did not enter England until 1213, two years before the sealing of the Great Charter, and that he held his see until his death in 1228. If these dates are right he lived for sixty-three years, and spent the middle twenty-eight of them abroad. There is nothing to show that during those years he ever set foot in England. From one part of Europe to another a clerk could pass and feel but little change of scene: all churchmen spoke a common language, obeyed a common law, held a common creed. Nothing in Stephen Langton's life unfitted him to be an English archbishop; many things in his career marked him out as the best man for the task. The curious thing is that though France and England had already begun to move on different lines of political development, yet on his return to England the new archbishop became almost at once the intellectual head of a movement that could hardly have taken place in any other part of Europe, certainly not in France. As Dr. Powicke says, he 'very nearly succeeded in the task which he set himself—the maintenance of the royal confidence, the observation of the coronation oath, the restoration of union and order, the restatement of English custom in the light of new necessities'. In a sense he failed: neither the barons nor the king would accept his policy, a policy which required a mutual confidence they could not feel or understand. Nor indeed could Pope Innocent see that Stephen Langton was right, and to the pope Langton owed obedience and paid it. Yet in the end Langton's

policy prevailed, and the rule of English political development began to be recognized, the rule that contending parties must settle together how their differences are to be reconciled if the settlement is to endure.

Dr. Powicke lets his reader, especially a reader who reads his meaning as well as his words, see how Langton's mind grew in such a way that such a policy was natural to him. He came of a Lincolnshire family, the Langtons of Langton near Wragby, clearly folk of some standing in the county, indeed of such standing that the archbishop's brother Walter¹ could marry late in life a young heiress, Denise of Anesty, who after his death was to be the second wife of no less a man than Warin de Muntchenesy. The younger brother of the archbishop, Simon Langton, was a churchman, and had a stormy career, 'a more ardent, a less balanced man . . . inclined to headstrong speech and violent partisanship'. He missed his great chance when, in 1215, the canons of York desired to elect him as archbishop, and neither King John nor Innocent III would permit it. No reader of Dr. Powicke's book² can fail to see that Simon must have influenced his brother, though he took a course on which the archbishop refused to enter. So much for Langton's family. Next come the events of his boyhood. He would have known of Becket's flight, of his death, and the arising of the cult of the martyr;³ he would have come under the spell of Richard, the poet and crusader, whose life he wrote in a book⁴ which is lost. All these impressions he received in that spirit which Dr. Powicke knows too well how to make vivid, the spirit which interpreted all things in the light of theology. Where he learnt his grammar we do not know; but it was at Paris that he learnt and taught theology and philosophy; and so Dr. Powicke brings his reader to Paris and university life there and the manuscript of the *Questiones*, the one authority that we have for Langton's ideas on contemporary questions, a source to which Dr. Powicke often refers. There we get the academic and reasoning influence which made Langton preach agreement to unwilling ears. His short stay as cardinal-priest of St. Chrysogonus at the court of Rome may have taught him something; his intercourse with Innocent III must have made him understand the mind of the great pope. But it was perhaps the six years spent at Pontigny and in France that gave him his knowledge of the spirit that prevailed in England, and let him master the custom and opinion of his native land to which he was at last to return. In those years he must have worked out his theory of the proper relation between the realm of England and the Roman see, and the right solution of the dispute between the king and the barons. Langton can have had little to learn when he came to England in 1213. What he did there as archbishop Dr. Powicke has told his readers in a manner and with a mastery of his material that need no praise, though perhaps a special commendation is deserved by the chapter dealing with the influences which produced the Great Charter. It is impossible not to admire the pages⁵ in which this subject is discussed. It is impossible not to accept the preliminary propositions laid down, namely, 'that Magna Charta was regarded by Langton as an

¹ See the pedigree on p. 167. The dates are puzzling. Denise survived her first husband for sixty-four years.

² See pp. 135 *seq.*

⁴ p. 20. Used by Higden in his chronicle.

³ See p. 18.

⁵ p. 102 *seqq.*

elaboration of the coronation oath and that the history of the charter begins with the summer of 1213 and not later'. It is almost impossible to resist the eloquence which paints the typical baron as an educated statesman, and 'a part of the administrative machine'. And even while the reader demurs to parts of the argument, he will find it easy to accept the conclusions which the author reaches in his final views of the real nature of that great compromise.

Perhaps, if I were lucky enough to be a pupil of Dr. Powicke, I might venture to put certain *questiones* to him in the hope that I should receive the *solutiones* appropriate to them. His appendix v on the twenty-five barons of the charter might provoke a respectful inquiry whether he would not have strengthened his case, strong as it is, by pointing out that Robert fitz Walter himself was descended in the male line from the ancestor of the house of Clare, and that John fitz Robert of Clavering was closely connected with the families of Vere and Bigod. The eastern barons are thus linked even more closely than appears from Dr. Powicke's account. The *solutio* might be that it is dangerous to push genealogy too far, and that the point to be made is that it was the eastern barons, not the northerners, who extracted the Great Charter from the king. An even more daring *questio* might relate to the interpretation put upon the letter of Peter of Blois cited on p. 51. Did Peter of Blois really mean to disparage the *curriculum* of the university of Paris in itself or only to chastise those who entered on it without first learning their grammar? and is it fair to translate *de materia et motu* as 'method and motive'? The pupil who put this *questio* would not of course await the *solutionem baculinam*, which would be his due. One small point is also worth making. When King John sent to the bishops of London, Ely, and Worcester his royal letters¹ of protection made up as letters close, he was guilty of deliberate trickery. A letter made up close can only be opened by breaking or removing the seal and so destroying its validity; it can only be used once. The bishops could have entered England with such a letter; it would have been of no avail to them while there. A letter made up patent can be opened without injuring the seal and used as often as may be needed. The true distinction between letters close and letters patent is one of make-up not of form.

The book is a model of all that a monograph should be. There are pages in it which are not easy to read, as there must be in a book of its kind. But there are other pages where the learning is informed with a distinction of style and feeling which reward the reader and enforce his admiration.

C. G. CRUMP.

Five Centuries of Religion. By G. G. COULTON. Vol. ii. (Cambridge: University Press, 1927.)

DR. COULTON gives to his second volume the title 'The Friars and the Dead Weight of Tradition'. Full of rare and interesting knowledge as the book is, it hardly corresponds to this definition. As for the friars, the Carmelites and the Austins are ignored, and while the personalities of St. Francis and

¹ They seem to have been letters extending the period of a safe-conduct; they ought of course to be made up patent for the reason given above. The reference is p. 43, n. 3.

St. Dominic are fully and justly treated and the spirit which led to their early success is sympathetically described, there is no general description of the system. This, we hope, he will presently supply. It will be a thankworthy contribution to our knowledge when Dr. Coulton expounds the actual working of the mendicant system, evangelistic and educational, which was common to the four orders, during the period between their first enthusiasm and their serious decline. He would, of course, also explain the differences between them, though these are a minor matter. But had each of the four its body of tertiaries? Heimbucher does not know of it in the case of the Austin friars. Dr. Coulton does well to remind us that there were religious mendicants before Francis; but is it not an anachronism to talk of 'democratic spirit', 'workers', and 'capitalism', as though such a range of ideas had been accessible in the thirteenth century? Such notions, expressed in other words, were no doubt possible for men of religious genius and imagination; yet could any society, however small, have even attempted to organize itself on the lines which such modern catchwords suggest to us? How tightly men were bound by the notions current in their time is shown by St. Thomas's justification of slavery, borrowed without suspicion from Aristotle. Is it worth while to scold him? We might as well blame St. Augustine for the doctrine taught in the *De Civitate Dei*, and in some quarters still accepted, that animals have no rights as against man. Another piece of barbarism rebuked by Dr. Coulton is the notion borrowed by St. Hilary of Poitiers from the Greek, or perhaps from Tertullian, that part of the happiness of heaven will be to watch the sufferings of heretics. In days not distant the notion was current among Calvinists. All generations, not least our own, have their limitations and their shibboleths. The medieval obsession with the nobility of saints is surely a quaint and pardonable affectation, perhaps not meant to be taken seriously. In her admirable study of Rolle of Hampole, Miss Allen cites a description of him as the 'nobil hooly man Richerde ermyte'. It seems to be just a way of expressing admiration.

Before and after his study of the friars, in whom he discovers, among other faults, this declension from democratic standards, Dr. Coulton devotes several chapters, long and rich, to the monks as capitalists, the abbot as baron, and so forth, confirming, as was hardly needful, the thesis of his former volume. But it deserves to be noticed that Dr. Coulton regards the monastic manor as the normal monastic estate. Evidence from the great houses is more accessible than from the small, and the former usually held manors. It would be interesting to study the case of the minor monasteries, whose property consisted of small holdings scattered over all the villages of their neighbourhood. It is possible that, in the aggregate, such small parcels exceeded in acreage the manorial property of which many lesser houses had little or none. In any case the holders had not the temptation of oppressing their tenants to which, as Dr. Coulton shows, the abbots and monks of the great monasteries often succumbed; though the *Liber Memorandum* of Barnwell shows that tyranny could be exercised in a non-manorial holding.

In ages when the only safe investment was land such little quasi-freeholds were in request. They represented small additions to endowment. How numerous they might be is shown in Mr. Andrew Clark's *The English*

Register of Godstow Nunnery. But many monasteries were less fortunate. They pined in poverty and insignificance. Yet they had been founded with high hopes; dreams of a hundred inmates were matched by licences in mortmain purchased for much broader lands than were ever acquired. It looks as though such houses, chiefly Premonstratensian and Gilbertine, were founded on speculation, like several public schools seventy or eighty years ago. They never decayed because from the first they never had prospered, and therefore they cannot be used to point a moral. Nor are all medieval moralizings to be trusted. When Caesarius of Heisterbach says that Fulda in his day was deservedly so poor that the few inmates lacked the necessaries of life, we must wonder that Dr. Coulton takes him seriously. He has himself taught us what to expect from Caesarius.

Perhaps a little circumspection would have been wise in other cases. A broken churchyard wall was the fault of the parishioners, not of the monastic patron, and the archdeacon had ready means of enforcing repairs. Within the monastery the isolation of the abbot, like that of a captain in the British navy, was a primitive practice recognized as necessary for discipline, and it is hardly just to charge him with the responsibility for defects in the daily working of the system. It would be interesting to have a criticism from Dr. Coulton of Benedictinism as expounded by Dom Cuthbert Butler. Perhaps the picture of the latter is too brightly coloured, but at any rate it is drawn from within and witnesses to continuity. Dr. Coulton, in spite of the weight of his evidence, supported as he is by such witnesses as Dom Berlière, gives the impression of making an *ex parte* statement, honestly as the favourable evidence is quoted. And we may doubt whether the crushing accumulation of more than a hundred pages of hostile citation does not tend to defeat his own purpose, which is no doubt to elicit the truth and so put to silence the sentimental unreality which passes for history in England. The readers will be provoked into thinking that there must be another side to the matter, and that a great institution which has shown itself capable of revival can never have deserved, or received, so universal a condemnation. However that may be, such wealth of annotation has had no parallel since Lord Acton's inaugural lecture in 1895.

E. W. WATSON.

The Mediaeval Castle in Scotland. (The Rhind Lectures in Archaeology, 1925-6.) By W. MACKAY MACKENZIE. (London: Methuen, 1927.)

THE secretary to the Royal Commission on the Ancient and Historical Monuments of Scotland has produced a book which is in itself a monument of archaeological research. Based on an extremely wide survey of actual buildings, and upon a competent examination of written authorities of every kind, the study of the medieval castle presented by Mr. Mackenzie is an important contribution to the history of Scotland. The writer is known as a bold critic of established ideas, and in the volume now published he wields the sword of criticism with his accustomed vigour. His remorseless analysis of the various meanings which have been attributed to the word 'keep' will prevent all but the most confident from using such a word rashly. 'Keep', it appears, means only 'tower', and not the strong place where the defence would rally for a last effort. The idea that a royal

licence was required in Scotland to warrant the erection of a fortified house is refuted by the evidence, and the view is advanced that the purpose of the existing licences, very few in number, was to give a complete legal status to a building, which, like a mill, would not 'go with the land' in the ordinary way. The notion that all Scottish castles were like that of Douglas, the 'King's alone', is found to rest mainly upon Sir George Mackenzie's unwarranted interpretation of an *obiter dictum* in Craig's *Ius Feudale*. Another accepted opinion which Mr. Mackenzie attacks is that the building of castles in Scotland was seriously retarded by the impoverishment which followed the war of independence. The early castles of the mote and bailey type—surprisingly numerous, by the way—were simple structures at best, and even if Bruce had ordered all to be razed, as he did not, the architectural loss would not be immense. Evidence is produced to show that Bruce himself preserved or rebuilt castles, and that the new nobles whose fortunes arose from the confusion of the English wars were richer than their predecessors had been and built on a larger scale.

The book has, however, a constructive side, and the influence of the castle in the development of both shire and burgh is set forth with great clarity. Mr. Mackenzie disputes the view that 'the founding of a burgh meant no more than the formal recognition of an already existing community doing all that a burgh was supposed to do', and holds that the foundation of a burgh was definitely a new creation, connected usually, if not always, with the erection of the castle. He admits that there might be 'a scattered township of primitive type' upon the site, but holds that there was no burgh until fortifications were actually made. 'A burgh was "made" (*factus*) or "erected" (*aedificatus*) in actual fact.' Possibly the generalization is too sweeping, and it is hardly correct to take 1587 as the year before which 'honours in Scotland were territorial, not personal'. There is no evidence at all to show that the title 'duke' had any connexion with land tenure, and Professor Rait has cited instances of the creation of lords of parliament in 1455 in which the nature of land tenure does not seem to enter. It is odd, too, to read of the employment of 'shell-fire' against Dirlerton in 1650. But the book as a whole, though it may provoke some controversy, is a great contribution to Scottish history and its admirable illustrations and plans make it a pleasure to read.

J. D. MACKIE.

Louis XI. Par PIERRE CHAMPION. 2 tomes. (Bibliothèque du XV^e Siècle, xxxiii (xxiv). Paris : Champion, 1927.)

MONSIEUR CHAMPION has set himself an interesting task: to reconstruct wholly anew the life and character of Louis XI of France from original material alone, in order to take no colour from the existing lives of this celebrated, but to some extent legendary, monarch. The book is written with great fairness, and with a desire to state the facts exactly as they were, so that the reader may for himself draw the conclusions which will enable him to judge Louis justly and without bias. But nevertheless the book is to some extent a defence. The introduction, which deals very soundly with the chroniclers of the period, shows clearly the undeniable bias of writers such as Basin, from whom Walter Scott, Victor Hugo, and others have

mainly drawn their information. In England still the name of Louis XI recalls at once the figure of the little insignificant man, crafty, cruel, and superstitious, who stands out unforgettably in the pages of *Quentin Durward*. It is interesting to estimate how far Monsieur Champion has succeeded in dispelling this old illusion and putting in its place the picture of the wise, hard-working, and patriotic monarch, which is undoubtedly his intention.

Some legends have already been dispelled, and all Monsieur Champion's work does not break up new ground. No one could read Henri Stein's careful volume on Charles de France and believe that Louis was the poisoner of his brother; Cardinal Balue's iron cage has been realized as a legend, and the king has long ceased to be accredited with the invention of what was a common practice in his day; whilst the value of Louis XI's work for France is clearly shown in the masterly chapters by Monsieur Petit-Dutaillis in Lavissee's *Histoire de France*.

But the book under review is a far more complete and documented work than any life actually written earlier of Louis XI, and it is based on very thorough research, not only into the vast collection of the king's letters and ordinances, but into a large amount of unpublished material in the archives and Bibliothèque Nationale, as well as in the depots of many provincial towns. The first volume of the book, on the youth of Louis XI, contains less new material than the second, since the subject had already been well treated by Marcel Thibault, but it is extremely interesting and shows the ability early displayed by the prince in his administration of Languedoc when a boy of fifteen, and in the diplomacy which led to his second marriage with Charlotte of Savoy despite his father's opposition.

It is in the second volume, however, that we look for new material or for new light on sources already utilized by others. Here there is much excellent work. All the complicated history of the relations with Burgundy is treated fully and carefully. The chapter on *Le roi au travail*, based on letters and ordinances, is very illuminating and well written; that on the *Siège de Beauvais* has a certain amount of new matter; the whole history of the English invasion and the treaty of Picquigny is very fully worked out; the local archives have furnished much original material for the account of Louis's life and for his connexion with Orleans and Tours. Although Monsieur Champion naturally bases his narrative very largely on Commynes, the facts are constantly tested by record material, and the estimate of the king's character and work is based as far as possible directly on his own letters or actual deeds. The whole gives an impression of fairness and thoroughness. One small slip occurs on p. 87, where Charles the Bold is made to marry the daughter of Edward IV instead of his sister Margaret.

The question remains, has the latest biographer of Louis XI succeeded in obliterating the idea generally held concerning that astute monarch? Perhaps we must give up a few of the old stories. Tristan l'Hermite appears to have been a rather obscure but estimable individual; Louis did not wear so many little images round his cap; he was swayed by statecraft rather than by superstition; the castle of Loches was not guarded by the man-traps and ambushes with which Walter Scott has surrounded it. And yet when all is said Louis still presents a very unamiable character: an undutiful son, a domineering brother, a selfish and unfaithful husband, a king

whose spies were everywhere, whose promises were purely based on expediency, whose statecraft was deceit, and who succeeded because as a rule he could outwit his adversaries and because he was absolutely without scruple. Perhaps Monsieur Champion has made the king less grotesque but certainly no more attractive. Still he has undoubtedly shown the really considerable work which he did for his country. Louis, after all, gained little rest or happiness for himself out of his policy. He worked hard for power, no doubt, but power which he used to build up the strength of France. Monsieur Champion sums him up very justly in his introduction :

C'est simplement un homme de ce temps que nous avons voulu évoquer, une figure de paysan, rusé et passionné terrien, qui a agrandi le domaine, qui a fait entrer dans ses propriétés l'Anjou, le Maine, la Bourgogne, qui a agi sans honneur mais de telle façon que les Anglais ne sont jamais redescendus en France.

The two volumes are well produced and contain some excellent pictures. Besides portraits of the king himself at various stages of his career, of the duchess of Burgundy and others, there are some beautiful reproductions from manuscripts; notably those of the funeral of Charles VII, of sheep-shearing, and of the battle of Nancy.

E. C. LODGE.

La giovinezza di Leone X. By G. B. PICOTTI. (Milano : Hoepli, 1928.)

THE youth of Leo X forms the thread upon which Professor G. B. Picotti has strung together interesting material with regard to politics, religion, education, and social life in Italy during the critical years which preceded the French invasions. From 1483, when the seven-year-old Giovanni dei Medici received minor orders and the office of Apostolic Protonotary, until the momentous day of San Salvatore 1494, which ended the '*pestifera tyrannide*' of the Medici in Florence and sent Cardinal Giovanni into exile at Bologna, there are few aspects of the history of the period on which this admirable study fails to throw light. The book is attractively and appropriately illustrated, while the appendixes contain a collection of Giovanni's letters, much hitherto unpublished correspondence between leading members of the house of Medici and their secretaries, and other documents drawn from the Florentine archives. The story of Giovanni dei Medici's ecclesiastical career as told in these pages gives a remarkable picture of the subordination of the spiritual to the secular in the affairs of the Church. The papacy is an Italian temporal power; bishoprics and monasteries are political assets. From his infancy Lorenzo's second son was destined to serve the interests of Florence and of the Medici as a churchman, and the benefices which he accumulated sum up the achievements and aspirations of Medicean diplomacy. In Tuscany he held churches in the upper Tiber valley, in the Val d'Arno, the Casentino, and the Mugello. The abbey of Passignano on the road to Siena was his, as was the collegiate church of Santo Stefano at Prato. These were the means by which the authority of the Medici was strengthened at strategic points in the Florentine dominion, and landed property was accumulated as a security against the fluctuations of the Medici banking interests. Among Giovanni's earliest preferments was the abbey of Font-douce in Aquitaine, a witness to the friendly relations existing between Lorenzo and the king of France. His tenure of the abbeys of Montecassino and of Morimondo testified to the solidarity

of the triple alliance between Florence, Naples, and Milan. His elevation to the cardinalate shortly after his thirteenth birthday was the work of Innocent VIII, of whom it was said : ' esso pontifice dormia con gli occhi di esso magnifico Lorenzo.' The importance which was attached to securing a permanent representative of Florence in the college may be seen by the unremitting labours of Lorenzo and his agents towards this end. At one moment they went so far as to discuss the desirability of causing the register of Giovanni's baptism to disappear, and of producing two or three witnesses to swear that he was two years older than his true age. Once the cardinal's hat was obtained Giovanni was expected to act in close concord with the Florentine envoys, and to do nothing without the approval of the head of his family—to have indeed, as one of his secretaries wrote to Piero, ' no other pope nor lord save your magnificence '.

Especially interesting is the account of the conclave of 1492 which placed Rodrigo Borgia on the papal throne. In the author's opinion the determining factor was not so much simony as politics. The quarrel between Naples and Milan was waged in the conclave under the guise of the personal rivalry between Giuliano della Rovere and Ascanio Sforza. Della Rovere, whom the king of Naples regarded at this point as the champion of his interests, failed to secure sufficient votes for his candidate. If he had then consented to the election of Ascanio's official choice, the Church would have secured a comparatively worthy head in Cardinal Carafa. But ' concession was not among his attributes ', and his obstinacy led to the unanimous election of Borgia, for whom Ascanio had all along been working secretly. Meanwhile Piero dei Medici had acted on the assumption, bred of the Pazzi war, that Naples was more to be feared as an enemy than Milan was to be trusted as a friend. Giovanni entered the conclave ' con ordine da Piero di fare in Collegio quanto intenderà essere desiderio del Re ', and the Florentine representative was instructed to inform Ferrante of Naples of the fact. In this, as in much else, Piero blundered. Giovanni offended Naples without placating Milan by his eleventh-hour support of Borgia. Finding himself ' ragazzo da poco ' in the Curia under the new pope he returned to Florence to spend the two years before his exile in comparative obscurity.

Nevertheless the impression given by Sig. Picotti is that on the whole Piero dei Medici has suffered hardly at the hands of historians. He shows him as striving with such powers as he possessed to follow in his father's footsteps : his sudden departure to the French camp to throw himself upon the mercy of Charles VIII appears to have been a bad attempt at imitating Lorenzo's journey to Naples which brought peace to Florence in an earlier crisis. He failed because the situation in which he found himself was one to which many wiser men than himself would have succumbed. The success of the Medicean political system depended, in truth, upon keeping the French out of Italy. Once Charles VIII had crossed the Alps Piero had to choose between the betrayal of the ideals of unity between the Italian states which Lorenzo had made his own, and the taking up of arms against the crown of France, in whom Florentine merchants found their best customer, and to whom every newly elected Signoria swore to do no ill. For Cardinal Giovanni, the hero of his monograph, Sig. Picotti shows less indulgence. Bred in the atmosphere of the *Via Larga*, with

Benozzo Gozzoli's frescoes daily before his eyes during his most impressionable years, in touch with the great men of every sphere and nation who resorted to his father's house, Giovanni failed to make use of his opportunities. Gluttony and indolence were among his childish faults and they set their mark upon his character. 'Non voria fatica s'el podesse far di manco.' He would only exert himself over hunting; he developed no special interests save possibly for music; in learning he showed the good taste of the dilettante and nothing more; he was inconspicuous in the political life of Florence and Rome alike. He showed a cold and selfish nature when he tarried in Rome on the news of Lorenzo's last illness, and learned of his death with an absence of emotion which was praised by his servants as fortitude and wisdom 'più tosto senile che di giovane'. Gifts indeed he possessed, as later years were to prove, but in an age of precocious development they were slow in making themselves felt.

CECILIA M. ADY.

Luther and the Reformation. By JAMES MACKINNON, Ph.D., D.D. Vol. ii : *The Breach with Rome (1517-21).* (London : Longmans, 1928.)

WHEN Professor Mackinnon's work is complete in four volumes it will be not only the fullest and most scholarly biography of Luther in English, but will be superior, in some respects, to any comparable German work. More up to date than Köstlin-Kawerau, more detailed than Hausrath-Schubert, better proportioned than Grisar, better balanced than Denifle, and more strictly biographical than Berger, this new life of Luther will for some years be the standard work. Both its considerable merits and its perceptible limitations stand out in the second volume more conspicuously than they did in the first.

The great merit of the book is the painstaking erudition which has read carefully and critically all the many recent treatises on the immediate subject of Luther's career during the critical years from the posting of the *Ninety-five Theses* to the appearance before the Diet of Worms. The obvious limitations of the biography are two: the author's inability to throw new light, not found in his authorities, upon his subject, and his imperfect familiarity with contemporary history, in fact with the whole *milieu* in which Luther worked. The last words of the title are misleading: never was there a biography of Luther with so little of the Reformation in it as this. This is a serious deficiency in the work; for perhaps the production of new sources or the presentation of new points of view is too much to demand of any scholar, particularly of one cultivating so well tilled a field as this.

But it is regrettable that the author has chosen to cut so very narrow a path. Though every page is crowded with foot-notes, there is hardly a citation from any source except Luther's own works, the dispatches of Aleander, and the account of the scene at Worms in the *Reichstagsakten*. The whole contemporary movement in politics and in thought is passed unnoticed. The works and correspondence of Melancthon and of Erasmus—to mention only two of many illuminating collections—are unread and unused except as they are found quoted in recent German monographs. By thus ignoring important documentary material the author not only

impoverishes his work but is frequently led into error. He still attributes the *Dialogus Iulii et Petri* to Faustus Andrelinus (p. 229) in spite of the superabundant proof that it was really written by Erasmus offered by F. M. Nichols, P. S. Allen, and Pineau. He thinks that the dedication of the *Address to the German Nobility* contains an allusion to the *Praise of Folly*, which it does not; and he overlooks the very evident debt of the *Liberty of a Christian* to the *Enchiridion Militis Christiani*. The account of the actions of the university of Paris against Luther (p. 148) is not only meagre but incorrect, because the writer has failed to read the sources as found in Bulaeus, *Historia Universitatis Parisiensis*, vi. 109 ff., and in A. Clerval's *Registres des Procès-Verbaux de la Faculté de Théologie de Paris*. On the offer to Luther of high ecclesiastical preferment (p. 102) an interesting document might have been found in the letter of Cardinal Salviati published in *Lutherstudien*, 1917, p. 284. The account of the indulgence controversy, while generally correct, errs in two points. Luther is blamed for credulously ascribing enormities to the preachers of indulgences, though his censures receive support from the notes of his contemporary Friedrich Reuber, published from a Harvard manuscript in the *Lutheran Church Review* of October 1922. And Dr. MacKinnon repeats the older view that the *Ninety-five Theses* were printed without Luther's concurrence, though good evidence has now been offered to show that they were really printed by him before he posted them.¹ Had Dr. MacKinnon read Böhmer's discussion of the burning of the bull² he would have described that important act very differently (p. 220).

But enough of finding flaws in what is, in spite of them, a profitable work. In refreshing contrast to the modern school of cynical biography which paints each hero black the Scottish professor is in warm sympathy with his subject. While it is as true now as it was in the early sixteenth century that 'Lutheri nomen mire friget in Anglia', in Scotland, as in America, the reformer's name has been more warmly cherished. To his latest biographer Luther is 'the prophet and apostle of a new age, of a mighty emancipation from inherited and enforced traditions, beliefs, institutions' (p. vii); his attack on the catholic sacramental system was 'a truly marvellous emancipation from medievalism in religion and was to his age a stunning revelation of originality and independence' (p. 251). Luther was 'undoubtedly the strong man and also the great man of the age. All the other actors on the stage of this world upheaval are mediocre figures compared with the colossus whose genius and potent personality are laboriously shaping a new world out of the old' (p. 283). Though these words give an immensely exaggerated idea of the part played by Luther amid the forces of the new age, they will perhaps correct the undue depreciation to which he has, in some quarters, recently been subjected.

Of all the chapters in this volume the last, which sums up the author's conclusions under the four headings, The Infatuation of the Papacy, Luther's Development as a Reformer, Luther and his Predecessors, and Luther and Frederick the Wise, is the most thoughtful and engaging. But even this chapter makes it plain that the author's interest is wholly

¹ *Luthers Werke* (hrsg. von O. Clemen, Bonn, 1912), i. 1; and *Zeitschrift für Kirchengeschichte*, xxxv. 164 f.

² *Jahrbuch der Luthergesellschaft*, ii-iii, 1920-1.

centred in the theological and personal side of what was, after all, a vast social, political, and intellectual, as well as a markedly religious, revolution.

PRESERVED SMITH.

Negotiations between King James VI and I and Ferdinand I, Grand Duke of Tuscany. By J. D. MACKIE. (St. Andrews University Publications, no. xxv. London: Milford, 1927.)

The Denmilne Manuscripts in the National Library of Scotland. By J. D. MACKIE. (The Historical Association of Scotland, New Series, no. 5. Edinburgh, 1928.)

THE selection of original documents, edited by Professor J. D. Mackie, is in the nature of *pièces justificatives* to his article on 'The Secret Diplomacy of King James VI in Italy prior to his Accession to the English Throne' which appeared in *The Scottish Historical Review* for July 1924. The motives underlying that policy are succinctly stated in the preface:

Determined at all costs to succeed Elizabeth upon the English throne, and uncertain whether a catholic or a protestant candidate would be preferred, James had before his eyes the example of Henry IV of France. . . . James may be pardoned if, in those days when the Reformation was still recent, he had dreams of finding some *via media* which would gain to his side the moderate catholics. . . . He was, and intended to remain officially, a protestant candidate for the English throne; it was by a group of politicians who centred round the queen, later a convert to catholicism, that the *rapprochement* to Rome was urged.

Hence his agents must be rash unconventional persons who might be disavowed if necessary, and the negotiation must be covered by some pretext. With assured skill Mr. Mackie shows how the Tuscan negotiations provide a typical example of James's diplomacy. The promoters were Elphinstone and Sir George Hume, both adherents of the queen. The grand duke was the very mediator who had reconciled Henry IV to Rome. Michael Balfour, the king's agent, of whom a brief but interesting sketch is given, was so 'rash, vain, and talkative' as to preclude the suspicion of any serious business. The purchase of arms, which might be necessary if James was to realize his ambition, afforded the pretext for the journeyings to and from Italy.

Begun in 1598 the negotiations eventually centred round a proposal to betroth Prince Henry to a daughter of the grand duke, with a demand for 500,000 crowns, in advance, as a dowry. They ended in 1604 when James was seated on the throne of England. 'Ha, ha, gud fayth, wee's not neede the papists now', was the alleged remark of James soon after Elizabeth's death.

Mr. Mackie argues that the ideas underlying such negotiations were not so absurd as they now appear. The king may be accused of dishonesty in his methods and of unjustifiable optimism and conceit in thinking that Rome would change her attitude of *semper eadem*. Yet the conditions both of protestantism and catholicism in his day made it possible to conceive that the extremists in both camps might join together in a common faith. A Florentine match was even revived in 1611—when, for the time, the hopes of a Spanish or French match were dashed—with toleration for Roman catholics in view.

The ideal of James VI and I was unrealizable, but it was not absurd ; the means he used were ignoble, but he pursued a noble end ; he was dishonest, but less dishonest than has been supposed.

The documents, in English, Latin, French, and Italian, are taken from the Denmilne MSS. in the National (formerly Advocates') Library of Scotland, and from a manuscript in the Staats-Bibliothek at Munich, brought to the editor's notice by Professor Baxter of St. Andrews. It may be added that the Historical Association of Scotland has published Mr. Mackie's pamphlet (New Series, no. 5) on *The Denmilne MSS.* It reveals the debt historians owe to Sir James Balfour of Denmilne, Lyon King-of-Arms to Charles I, who formed the collection, and indicates those manuscripts which have been published, and those which still await the investigator for whom Mr. Mackie has cleared the way. H. W. MEIKLE.

Judicial Cases concerning American Slavery and the Negro. Vol. i : *Cases from the Courts of England, Virginia, West Virginia, and Kentucky.* Edited by HELEN T. CATTERALL. (Washington, D.C. : Carnegie Institution of Washington, 1926.)

THE aim of the series of which this is the first volume is to 'draw off' from the *Reports*, as the general editor expresses it, all matter relating to slavery, with the omission of such cases only as are a mere repetition of one another, but for the variation of the parties. The arrangement is chronological under the head of each state, proceedings in the federal courts being entered under the state in which they arose, and the collection is brought down to the year 1875.

While everything irrelevant to the subject of slavery is omitted, the material is presented so far as possible in the words of the original printed report, and, since it includes both the reports of disputes in which the matter in issue involves some point of law relating to slavery, and details which illustrate slavery as an institution, or the history of the American negro, drawn from the reports of proceedings relating to quite other matters, it will beserviceable to the social as well as to the legal historian. The American *Reports* are not easy to come by, the work of the editor has been done with great care, and the collection when it is complete will be a mine of information. If to reprint on such a scale as is here undertaken is beyond the resources enjoyed by scholarship in this country, and indeed is hardly necessary, for we are none of us so very far from a good law library, the work may yet serve as a reminder of how much lies to our hands in the English *Reports* and of how little they have yet been used.

There are valuable introductions to the cases arising in each state, in which attention is called to the principal points of interest. The first section of the present volume is devoted to English cases and forms a unit by itself, which will be of service to students of our own constitutional history. Of the American cases the full significance cannot be appreciated until the collection is complete. From the reports of cases in two states—for there is but a handful of evidence from West Virginia—only very tentative conclusions can be drawn. In spite of one or two instances of fiendish cruelty, the impression gained is that of a society conscious that it was in the grip of an evil, which it was much easier to condemn than

to find a remedy for. In Kentucky there is both a greater opportunity for slaves to escape and rather more violence than in Virginia, but in both states it is clear that the higher courts, at least, did their best to mitigate the evils of the institution, and there is ample evidence that there was plenty of anti-slavery sentiment to the end. But it is also clear that in both states, while slave-labour was often, if not usually, unprofitable (cf. p. 215), slave-breeding became a source of wealth when the growth of the south-west afforded a ready market for surplus or otherwise undesirable negroes. And while there was thus an economic change which was unfavourable to emancipation, there is also evidence of a legal and political change which was to make the problem more difficult instead of easier of solution. As it was expressed in a judgement delivered in 1831,

all who have examined the earlier cases in our books must admit, that our judges (from the purest motives, I am sure) did, *in favorem libertatis*, sometimes relax, rather too much, the rules of law, and particularly the law of evidence. Of this, the court in later times has been so sensible, that it has felt the propriety of gradually returning to the legal standard, and of treating these precisely like any other questions of property (p. 164).

It is a tendency which helps to explain that ever-growing divergence of opinion between slave-owners and abolitionists which marks the next thirty years, and it acquires a political significance when it is remembered that private property was 'the boasted palladium against arbitrary power'.

The inclusion of place-names would add much to the value of the index.

H. HALE BELLOT.

The Immediate Origins of the War (28th June–4th August 1914). By PIERRE RENOUVIN. Translated by T. C. HUME. (New Haven: Yale University Press; London: Milford, 1928.)

M. RENOUVIN is the director of the French government's war library and museum, the editor of the *Revue d'Histoire de la Guerre Mondiale*, and professor of the history of the world war in the university of Paris. He has therefore exceptional qualifications and opportunities for investigating the problems to which this volume is devoted. It gives the substance of a course which he delivered at the Sorbonne in the session of 1922–3. M. Renouvin approaches his problems in a critical spirit, paying scrupulous attention to the difficulties presented by conflicting documents, and refraining from dogmatic conclusions in many cases where a less careful worker might ride rough-shod over awkward facts. We should, however, have welcomed a more precise exposition of the imperfections of the coloured books which were published by the belligerents in 1914. What he has to say on the subject in his first chapter is studiously general. But since, after expressing his dissatisfaction with them, he quotes them pretty frequently in subsequent chapters, it would have been convenient to give his readers a list of the chief falsifications. We have only noticed two specific references to the errors of these books. A document in the Russian Orange Book (No. 50) is stated to be 'quite false', and clearly makes a misstatement about the date of the order for Austria's general mobilization. But we are not told whether the document is a forgery, or what it professes to be, a telegram actually dispatched by the Russian ambassador at Vienna

(p. 160). In the other case M. Renouvin calls attention to an error of dating in a telegram from Wilhelm II to the tsar which was first printed in the German White Book; this document occurs with the correct date in the Kautsky collection (No. 600), and the mistake is probably a mere error of transcription.

In revising this translation of his book M. Renouvin has taken some pains to bring it up to date. For example, he has made considerable use of the documents edited by Mr. Headlam Morley in the eleventh volume of the Gooch-Temperley series (1926). His full and judicious chapter on the Serajevo tragedy takes account of revelations published as late as 1925, and shows clearly enough that the Serbian government was placed in a very delicate position by its fear of the Black Hand leaders, and by its omission to give explicit warnings to the Austrian government of a plot which was known to several high Serbian officials. The history of Russia's mobilization plans is investigated with equal care in the ninth and eleventh chapters. M. Renouvin rejects *in toto* the revelations which Sukhomlinov produced at his trial in 1917: first, because they are 'contradicted by every other document and every other witness'; secondly, because their author has altogether omitted them from his memoirs published in 1924. Partial mobilization was agreed to in principle, and this decision was announced on the evening of 28 July. On the 29th, in consequence of a menacing communication from Pourtalès, the German ambassador, it was proposed that a general mobilization should be ordered; but the tsar cancelled the order at ten o'clock that evening and gave instructions for ordering a partial mobilization. On the 30th Sazonov, after interviewing the military authorities and the president of the Duma, represented to the tsar that partial mobilization would throw the military machine out of gear. The tsar gave way, and orders for general mobilization were sent out that evening to take effect on 31 July. These are the chronological results which M. Renouvin establishes by an exhaustive survey of the evidence. He observes that Russia moved faster in this matter than France desired, and that M. Viviani was not informed of the general mobilization till the orders were publicly announced (pp. 207-9). In Russia, as in Germany, the General Staff forced the pace. There is apparently no ground whatever for the theory that the Russian general mobilization was accelerated by the false report of German mobilization which appeared in the Berlin *Lokal-Anzeiger* on the afternoon of 30 July. M. Renouvin believes that this canard was supplied to the *Anzeiger* by the German staff; but he is also persuaded, by the investigations of Count Mongelas, that the canard only reached St. Petersburg after the telegram ordering general mobilization of the Russian army had been dispatched. In the last resort the Russian decision of 30 July was taken because no plans had ever been made for a partial mobilization (pp. 195-7, 210).

M. Renouvin throws some light on the doings of the German General Staff in the last critical days. On 29 July, according to the Bavarian military attaché, Falkenhayn, the minister for war, and Moltke, the chief of the staff, were pressing the chancellor for leave to mobilize. Moltke desired to attack France at once. On 30 July, when the *Lokal-Anzeiger* was making its false announcement, Moltke was forwarding to Conrad an urgent private message, which is printed in Conrad's memoirs and is pre-

served in the Kriegsarchiv at Vienna. The important part of the message runs as follows : ' Decline the renewed advances of Great Britain in favour of peace. A European war is the last chance of saving Austria-Hungary. Germany is ready to back Austria unreservedly ' (p. 214). This was very different from the advice which Bethmann-Hollweg was giving to Berchtold ; and when Berchtold was shown Moltke's message he asked at once : ' Who is running the government at Berlin, Moltke or Bethmann ? ' Berchtold, however, decided that Moltke was the man to follow. He told his colleagues that he had resolved on general mobilization because he had formal assurances from the highest German military authority that this was the right course (p. 216).

A book of this character, which avowedly aims at apportioning war guilt, is bound to be polemical, and there is more polemical matter than one would wish in the concluding chapter. We note, however, with pleasure certain sentences in this chapter which suggest that M. Renouvin desires to take, at some future time, a survey of the remoter origins of the war. ' It is essential ', he remarks, ' to return to the time when the governments were still able to call themselves the masters of their own actions.' It is essential, not simply for the purpose of weighing more accurately the degrees of war guilt, but also for the purpose of discovering whether the discords that existed in July 1914 can properly be ascribed to the special and peculiar obliquity of any one class or nation or school of statesmanship. It may be that M. Renouvin will have to go a very long way back in European history to find the time when governments were entirely the masters of their own actions. But no one is better qualified than he to investigate this larger question in a detached and philosophic spirit.

H. W. C. DAVIS.

Catalogue of the Manuscripts of Lincoln Cathedral Chapter Library. Compiled by REGINALD MAXWELL WOOLLEY. (London : Milford, 1927.)

A Descriptive Catalogue of the Manuscripts in the Hereford Cathedral Library. Compiled by ARTHUR THOMAS BANNISTER. With an introduction by MONTAGUE RHODES JAMES. (Hereford : Wilson and Phillips, 1927.)

ALTHOUGH none of the medieval libraries of England have been preserved intact—for this the Reformation is not entirely to blame, for it was the habit of medieval librarians to destroy what they thought obsolete—yet the nuclei of many are still owned by our cathedral chapters and by the colleges of Oxford and Cambridge. The provost of Eton, whose knowledge of the subject is quite unmatched, provides Canon Bannister's *Descriptive Catalogue of the Manuscripts in the Hereford Cathedral Library* with an excellent introduction in which he briefly assesses the pre-Reformation element in our principal cathedral libraries. Durham easily leads, despite spoliation ; and the catalogue which its librarian, Thomas Rud, produced in the early eighteenth century was unapproached by any other chapter library for a hundred and fifty years. Worcester comes next, and has a very good catalogue by Hamilton and Floyer. Among the cathedrals of the old foundation Dr. James places first the libraries of Lincoln, Salisbury, and Hereford. Salisbury was catalogued in 1882 by Sir Edward Maunde

Thompson, and catalogues of the manuscripts of the other two have appeared almost simultaneously. Each is by a canon of the cathedral, and each is satisfactorily done. In the matter of cataloguing we give the preference to Canon Woolley's *Catalogue of the Manuscripts of Lincoln Cathedral Chapter Library*, which is also better indexed and better printed. And although the books of Hereford are remarkable for the high proportion that are still in ancient bindings, and bindings and chains impart a delightful air of antiquity to the library, Lincoln contains more manuscripts of special interest, more particularly in the department of history.

Lincoln did not become the seat of a bishopric till 1073, and it is therefore not surprising that it has nothing to compare with the Hereford eighth- or ninth-century gospel-book written in Irish or Welsh script (P. 1. ii). But Lincoln soon proceeded to amass a fair-sized library. At the beginning of a fine Vulgate in two volumes (MS. 1), presented by Archdeacon Nicholas, is a list of forty-five books which were in the library when Chancellor Hamo took office about 1150. Additions made up to the beginning of the thirteenth century bring the number up to ninety-five. Among these are a gift from Giraldus Cambrensis of three of his historical works, no longer, unfortunately, in the library, and seven volumes of the works of Radulphus Niger, including his chronicle (MS. 15). Other historical manuscripts are a volume containing Wace, Gaimar, and Fantosme (MS. 104), and the lives and miracles of Saints Milburga and Etheldreda (MS. 148), both of the thirteenth century. Of local application are the Lincoln Cathedral statutes (MS. 14), the borough court records of 1308-76 (MS. 169), and the constitutions of Fulk Basset, bishop of London, 1242-59 (MS. 229), which last have been printed in this Review.¹ Two liturgical manuscripts deserve a mention: the Gilbertine Missal (MS. 115) which Canon Woolley has edited for the Henry Bradshaw Society, and the office and miracles of Richard Rolle (MS. 209). But the best known of all the Lincoln Chapter manuscripts is a purely literary one, the celebrated Thornton romances (MS. 91). The absence of thirteenth-century manuscripts of Grosseteste is remarkable.

The contents of the Hereford library are of less general interest, though attention may be directed to two twelfth-century books, the life of St. Eadburga (P. 7. vi) and a fragmentary French psalter (O. 3. xv), as well as to the other manuscripts specified by Dr. James in his introduction. Among the less known English writers represented in it there comes the twelfth-century dictionary maker, Osbern of Gloucester (P. 5. v). The bulk of the manuscripts are old possessions of the cathedral, though the occurrence of such direct statements as that entered in O. 9. i, that a manuscript was written for the cathedral library, are unfortunately rare. There are several parcels of books from other monastic houses in Herefordshire and Gloucestershire, especially from Cirencester, and the twelfth-century books from the latter monastery form an interesting palaeographical group. Dr. James points out the similarity of provenance existing between the books added to Hereford library and the manuscripts of Jesus College, Oxford, and points to the probability of a common donor. H. H. E. CRASTER.

¹ *Ante*, xxx. 285-302.

The Later Court Hands in England from the Fifteenth to the Seventeenth Century. By HILARY JENKINSON. (Cambridge: University Press, 1927.)

IN 1915 Charles Johnson and Hilary Jenkinson published at the Clarendon Press *English Court Hand A.D. 1066 to 1500, Illustrated chiefly from the Public Records*. This work, consisting of an octavo volume of text and a folio volume of forty-four plates, supplied the student of English administrative history with a full and varied set of facsimiles. It took its place at once as the best treatise on the subject and also the cheapest. In the two volumes before us Mr. Jenkinson gives us the continuation of the work published conjointly with his colleague of the Record Office. As was to be expected, the hand of a master is manifest on every page. Though Mr. Jenkinson is a pioneer in the field, there is nothing timid about his method of blazing the path, and the handling of his tools is both expert and spirited. His general attitude towards palaeography and diplomatic is well known from his smaller work, *Palaeography and the Practical Study of Court Hand*. He has little patience with theoretic palaeography and hardly more with the problems of form which engross the student of diplomatic, since neither study helps to throw light on the history of administration, the unwritten science whose cause he has greatly at heart. Being a pragmatist he finds that a great deal of time is given unnecessarily to palaeography, which is wasteful considering that palaeography is not necessary to enable us to read, to date, or to place documents. He finds that as an exact science palaeography ceases precisely at the point where English records as a series of importance begin. He sums up his faith succinctly in these words: 'Court hand documents can generally be read with certainty, but only in the light of their meaning: and they can nearly always be dated with accuracy, but not by their handwriting.' Even the palaeographer must admit that there is some truth in the statement, and if we bear it in mind we shall be in a better position to understand Mr. Jenkinson's treatment of his subject.

Like its predecessor, the present work consists of a volume of text and one of facsimiles. The forty-four collotype plates cover a period ranging from c. 1390 to 1641. These are preceded by five plates containing twenty alphabets, reproduced by line block, which begin with 1432 and extend to c. 1664, illustrating a great variety of hands: Bastard, Set, Secretary, Chancery, King's Remembrancer, Pipe Office, and Legal. Of extraordinary palaeographical interest is the series of facsimiles (pls. i-xxi) drawn from the Common Paper of the Scriveners' Company of London. In this paper every member received into the company wrote *manu propria* his name and his acceptance of the company's regulations, and against each entry some secretary has written in due course the inevitable *mortuus*. By means of these authentic entries, beginning with 1390 and ending with 1628, we can follow step by step the gradual development of a certain type of writing in England during two and a half centuries. These twenty-one plates alone are enough to render the publication precious to all students of English palaeography. But the remaining plates are also interesting and instructive. It is impossible to enumerate them all, but one can hardly say too much in praise of the author's discriminating selection and of the practical

value of grouping on one plate several facsimiles arranged progressively so that one gets a survey of the development at a glance. Thus, for example, pl. xxiii has six facsimiles of warrants under the Privy Seal, covering the century 1379-1476; pl. xxxv gives seven examples of letters patent from 1362 to 1429; pl. xxxviii gives five examples of Exchequer Pipe Rolls dating from 1426 to 1624; pl. xli has no less than eight illustrations of King's Bench writs dating from 1396 to 1511. There are also facsimiles of documents of local origin (pl. xxiv), of private accounts (pls. xxv, xxvi, xxxiii), of sixteenth-century personal correspondence (pl. xxvii), of state papers (pls. xxviii, xxxi, xxxii, xxxiv), and of family papers c. 1466 (pl. xlii).

All the plates are palaeographically described and transcribed in the second part of the volume of text. The first part has twenty-seven chapters with three appendices, one of which contains a useful bibliographical summary. After an introduction and a survey of the development of current (why not cursive?) hands in England, there are short chapters on forms of documents and procedure, materials and make-up, languages used in archives, the teaching and practice of handwriting, current letter-forms in the fifteenth century, abbreviations, ligatures, &c., and finally a number of chapters on distinct types of writing. Of special importance is chapter x dealing with Bastard Hands, a style which emerges in the late fourteenth century and may be described as occupying a middle position between the very formal Book Hand and the Free Hand of everyday use. The Bastard Hand became the ancestor of a large variety of more or less free hands. More formal and calligraphic than the Bastard are the special Set Hands, as the Pipe Office Hand and the Chancery Hand. A chapter is devoted to the Secretary Hand, the new small Set Hand, whose origin goes back to the beginning of the sixteenth century; and another to Italic and Roman scripts. The Italic Hand made slow progress in England. Not before the middle of the sixteenth century did educated people use it as readily as the Secretary Hand. There are chapters on Mixed Hands and Special Set Hands, and lastly a genealogical table showing the relations of the different hands to each other. The work ends with a good index. No student of English handwriting can afford to be without this important and beautifully printed treatise.

E. A. LOWE.

L'Université de Louvain à travers Cinq Siècles. Edited by LÉON VAN DER ESSEN. (Brussels: Lesigne, 1927.)

FROM time to time in recent years this Review has drawn attention to studies of the history of the old university of Louvain by some of the scholars of its modern successor. Among the universities of western Europe this has been one of the foremost for a productive *pietas*, and in this volume, as might have been expected, the fifth centenary of the original foundation is very worthily commemorated. The book is handsomely produced, with a large well-printed page and a wealth of illustrations. It contains ten contributions, all interesting, scholarly, and full of new material, almost all valuable for wider uses than the history of Louvain university alone.

The first, by Professor Henri de Vocht, who will be remembered as a contributor to this Review, deals, as is appropriate, with the three 'jubilees'

celebrated under the old régime, in 1526, 1626, and 1726. It is followed by a substantial article in which Dr. François Camerlynckx makes his first appearance as an historical writer, an appearance on which he may be freely complimented. His subject is the history of the university during the period of the troubles of the Netherlands under Philip II, and down to the visitation of Albert and Isabella in 1617. What with wars and revolutions, financial decay, the competition of the Jesuits and others, and difficulties with the town, the central government, and the papal curia, it was in many ways a time of tribulation. The university had a narrow escape from destruction, and if the state in the end came to its rescue, it exacted as its price an increased share in control. The intellectual condition of the university in the following period is illustrated by the learned study of the late Victor Brants, the historian of its law faculty, on three seventeenth-century professors, the jurists Pierre Gudelin and Frans van den Zype, and the 'publicist' Nicolas de Vernulz. A brief contribution follows in which M. P. Lefèvre describes the way in which in 1632-6 the university vindicated its privileges by putting a stop to the courses of instruction in philosophy set up by the Premonstratensians of the abbey of St. Michael at Antwerp. A second contribution by Professor de Vocht, on the *halles* of Louvain and their acquisition by the university, has more than a merely architectural scope: it brings to life again some old controversies of university business. It is followed by the longest and most important article in the volume, a thorough study by the editor, Professor Léon van der Essen, of the sufferings of the university, town, and district of Louvain during the wars of Louis XIV from 1684 to 1713. What they were students of the period might be able approximately to guess, but the subject has never been investigated before, and the general result of the study is interesting. Although the teaching was not actually interrupted, the many abnormalities and inconveniences of the time must bear a large share of the blame for the decadence of the eighteenth century. Vicomte Charles Terlinden, who writes on the attempts to set up a chair of public law, has indeed a good word to say for that period; but not in relation to his immediate subject, which shows clearly the cramping state-interference of the Habsburg period in the Netherlands.

The volume concludes with three catalogues of archives. Professor de Vocht publishes that prepared by the late Professor de Jongh, of the 'fonds van de Velde' in the university library. These papers of the last president of the Collège du Saint-Esprit, one of the leading figures of the university at the time of its suppression by the French, were discovered early in the year 1914 only to perish in the fire of that year. The other two catalogues deal with some of the old archives dispersed during the French revolutionary period. Chanoine Claeys-Boaüurt deals with those of the theological faculty, which are now at Malines, and Professor Étienne van Cauwenbergh with that part of the general archives now at Bois-le-Duc. This list is the only part of the volume which provides materials for the medieval history of the university. It is impossible to read the whole book, devoted as it is mainly to the least happy and least glorious passages of that long story, without some feeling of depression; but this is dispelled by the enthusiasm and confidence of the writers. '*Sedes Sapientiae non evertetur.*'

G. N. CLARK.

Short Notices

By way of introduction to an *Histoire Universelle du Travail* which is to be published under his direction, Professor G. Renard of the Collège de France attempts in *Le Travail dans la Préhistoire* (Paris: Alcan, 1927) to sketch in broad outline the history of those very early inventions which enabled man to emerge once for all from the dead level of animal existence and thenceforward to depend less on his individual instincts than on his social acquisitions—in a word, on culture. The correlate of culture is *le travail*, organized industry; for, though every animal in a sense works for a living, it can scarcely be held to exhibit even the bare rudiments of that social discipline implied by such terms as 'industry' and 'labour'. The average historian is perhaps apt to identify culture with civilization; and indeed there is a tendency among a school of anthropologists to think of the truly primeval man negatively as one whose mind remained a *tabula rasa* until Egypt or some other people of unique genius suddenly woke, and started to dictate the code whereby every one might become polite. M. Renard, however, cuts himself off definitely from the consideration of the effects on backward parts of the earth of the transmission of culture from higher centres by distinguishing between *la préhistoire ancienne*, anterior *ex hypothesi* to any civilization following a written as opposed to a merely oral tradition, and *la préhistoire moderne*, namely, the partial and local survivals of that earliest condition, its overlap, so to speak; the former alone constituting his theme. Even though we do not take literally the statement of a recent Russian writer that sixty major inventions can be shown to antedate the dawn of civilization proper, there can be no doubt that the palaeolithic record of Europe by itself affords evidence of human habits involving a decisive break-away from the bestial state. No one at all familiar with their remains could dream of denying to the neanthropic types, as it is now the fashion to term them—namely, the Aurignacians and their successors—the status of cultured folk whose aesthetic interests may have even caused them to do less than justice to a business career. Personally, having had the opportunity of studying Neanderthal man at home, I am prepared to include the palaeanthropic man, too, among humanity's benefactors and founders, whether we inherit his blood as well as his arts or not. It is impossible here to take stock of the details of M. Renard's treatment; I can only note the comprehensiveness and sureness of touch with which he has composed, for the most part analytically, but, wherever possible, with reference to the observable development, a conspectus of the earliest means taken to cope with human needs that already included aspirations towards science and fine art, and in short were concerned not only with living but with living

well. Finally, M. Renard is master of a charming style, and, when the subject lends itself to it, as in recounting the steps whereby man made himself master of fire—a feat comparable in importance only with that of becoming master of articulate speech—he knows how to lend to these dim, yet authentic, chapters of prehistory that touch of epic grandeur which truly belongs to them.

R. R. M.

Druidism in Gaul is Keltic religion after its consolidation in the Gallic settlements and after the amalgamation with native faith that took place therein; druidism in Britain is the inclusion in this Kelticised native faith of an autochthonous British religion . . . the druids, as an organized hierarchy, were . . . Keltic servants of the Kelticised native faith in Gaul.

This is the conclusion Mr. T. D. Kendrick reaches on p. 208 of his interesting book, *The Druids* (London: Methuen, 1927). There is nothing to disprove it in the existing evidence on the subject of the druids, and also nothing to prove it. The implication that the Gauls, at the time of their occupation of Gaul, had an organized body of religious beliefs could, however, not be easily defended; it might, indeed, be held that the only Celtic element in druidism was the word 'druid'. But Mr. Kendrick has collected (though not quite so fully as Holder, *Altceltischer Sprachschatz*, s.v. *druida*) the evidence from the classical writers, and the reader can judge for himself. It is unfortunate that Mr. Kendrick has neglected entirely the very numerous allusions to the druids in medieval Irish literature. These would not, perhaps, have thrown any light on the character of the order in Gaul; but they would have suggested that the druids played in Ireland, if not in Britain, in pre-Christian times a more important part than Mr. Kendrick appears disposed to allow them. Adamnan's *Life of Columba*, too, might have been referred to as indicating that they may have retained some sort of influence in Scotland as late as the seventh century. If Caesar's statement that Britain was the head-quarters of druidism in the first century B. C. is to be taken seriously, as it ought to be, it seems clear that survivals of druidism in Britain and Ireland at a time when it had disappeared in Gaul deserve careful examination, and are certainly pertinent to the question of the origin of druidism. Speculations as to the tendencies of 'indogermanic temperament' (p. 194), on the other hand, can lead nowhere. It would be interesting to know on what evidence Mr. Kendrick bases the statement (p. 142) that the Celts 'worshipped' the moon. None worthy of serious attention is offered in the work to which he refers. On p. 102 an Irish inscription which may refer to the druids is taken from a work fifty years old. The correct readings will be found in Macalister's *Irish Epigraphy*, i. 78.

J. F.

St. Jerome's *De viris illustribus* is a primary authority for the lives and works of the Christian writers of the first four centuries of the Christian era, and is worthy of the utmost trouble on the part of the textual critic. Dr. A. Feder, S.J., whose writings on St. Hilary showed him to be a most capable and learned patristic scholar, had in preparation a new critical edition of Jerome's *opusculum* for the Vienna *Corpus*, and gives us in *Studien zum Schriftstellerkatalog des heiligen Hieronymus* (Freiburg im Breisgau: Herder, 1927) the indispensable preparatory critical investiga-

tion. He enumerates in all 162 surviving manuscripts, of which he considers fourteen to be of first-rate importance. Richardson, the last editor (Leipzig, 1896), showed commendable industry in searching for manuscripts, but his apparatus is too meagre, and leaves some questions unanswered. Feder has used the oldest manuscript of all, one at Bamberg (saec. vi in.), which was unknown to Richardson, as were also three others of Feder's fourteen. He shows himself a master of the technique of modern editing, with a splendid knowledge of the bibliography of his subject. He deals skilfully with the various interpolations to which Jerome's work was readily exposed, and sets forth the indirect tradition also. The volume also contains a classification of the leading manuscripts and a careful description of the printed editions. Not the least interesting part of it is a chapter on the origin of Jerome's work itself, with a discussion of Jerome's methods of dictating his works, &c. A. S.

In a book on *Friesland tot de elfde eeuw, zijn oudste beschaving en geschiedenis* (The Hague: Nijhoff, 1927), Mr. P. C. J. A. Boeles, of a family well known in Frisian history and archaeology, combines in an admirable manner the two formerly distinct branches of research in the antiquity of his country, viz. the study of the written, and especially the legal, sources on the one hand, and the more recent exploration of prehistoric and 'proto-historic' remains, centring round the collections of the Friesch Museum at Leeuwaarden under the care of the author. So the book belongs first of all to the great school of modern Dutch anthropology represented by works such as J. H. Holwerda's *Nederlands vroegste geschiedenis* and A. E. van Giffen's *De hunebedden in Nederland*. But at the same time it should not be passed over by any student of the economic, social, and constitutional history of the Germanic nations generally. After an introductory chapter on the stone and bronze ages in Friesland, remarkable for its carefulness in questions of racial history, a first main division is devoted to the first indubitably Frisian period between c. 200 B. C. and 400 A. D., characterized by the prevalent mode of dwelling in the so-called *terpen*, the tide-proof mounds mentioned by Pliny and other Roman writers; a second and third part correspond to a second and third period reaching from A. D. 400 to c. 750, and from 750 to 1100, respectively, and (though still *terpentijden*) marked by the foreign influences first of the Angles and Saxons, and then of the Franks, the Carolingian Empire, and the Normans. Throughout the whole work there is close co-operation between the 'science of the spade' and the elder documentary history of political and economic developments; e. g. the famous trade of the Frisians and Saxons, based on the home industry of woollen cloth, and commercially concentrated in the market of Dorstad, is exactly mirrored in the rich coin finds, and again the astonishing mixture of paganism and Christianity in Frisian art (shown by excellent plates) corresponds with equal exactitude to the mixture of tribal and state law in the legal documents of the country. C. B.

Dr. Élie Voosen entitles his *Papauté et Pouvoir Civil à l'Époque de Grégoire VII* (Gembloux: Duculot, 1927) a 'contribution à l'histoire du droit public'. He considers that the legal side of this great controversy has been incompletely displayed in the numerous works on the political

and religious aspects of the struggle. He is well read both in the contemporary controversial literature and in the modern authorities; in particular, he follows with great respect the conclusions of M. Fliche, even accepting that writer's singular, and we think quite untenable, ideas about the meaning of the *fidelitas* which Gregory VII claimed from William I. His sympathies are wholly with the pope: while he recognizes the unreality, from the modern point of view, of the arguments adduced by both sides, he considers that those of the papalists, both in logic and justice, have the upper hand. This follows naturally from his reading of the earlier history, in which the traditional control of the papacy by the emperors, both eastern and western, is treated by him as a usurpation; and he is willing to accept, for instance, the claims of Nicholas I as a correct description of the legal relations of the two powers. One cannot help feeling that the author has himself confused the legal with the religious aspects of the struggle, and that in fact he has not been able to add anything material to what has already been written on the subject. H.

L'Anglais Jean dit Bellesmains (1122-1204?), Evêque de Poitiers, puis Archevêque de Lyon (Lyon: Camus et Carnot, 1927), by P. Pouzet, is a useful study which should be known to English scholars. John was one of those young Englishmen, trained in the household of Archbishop Theobald of Canterbury, who rose to great eminence. He was a close friend and ally of St. Thomas and incurred some danger on this account when he was bishop of Poitiers. M. Pouzet, as a keen student of local history, is naturally most concerned with him as archbishop of Lyons and gives an admirable analysis of the local conditions in John's time and of his work. I do not know of any other book in which the problems, peculiar to the history of Lyons as the seat of a great French archbishopric in an imperial city, can be studied so conveniently. One reference, not known to M. Pouzet, may be noted from the *De Invectionibus* of Giraldus Cambrensis, whom M. Pouzet, not so well informed in English as in south French sources, describes as Gerald of Cambridge (p. 11). Gerald says that he heard the archbishop refer at Clairvaux to King Henry's remark when St. Thomas resigned the chancellorship: 'Si archiepiscopus Maguntinus uel Coloniensis imperatoris Alemannie cancelarius esse solet, cur archiepiscopus Cantuariensis regis Anglie cancelarius esse recusat?' (*De Invectionibus*, i, ed. W. S. Davies, in *Y Cymmrodor*, xxx. (1920) 97). F. M. P.

Saint François d'Assise, son Œuvre, son Influence, 1226-1926 (Paris: Droz, 1927), is a large quarto volume, beautifully printed, published under the direction of MM. Henri Lemaître and Alexandre Masseron in commemoration of the seventh centenary of the death of St. Francis. It contains eleven articles by as many contributors. M. Masseron leads off with an article on 'Les Sources de la Vie de Saint François', which is probably the best all-round presentation of the problem as it exists to-day: it is eminently sane and well-informed if not very original. It has not the originality which marked Professor Burkitt's treatment of the subject in the volume *St. Francis of Assisi, Essays in Commemoration*, edited by the late Dr. W. Seton.¹ Perhaps, unless—or until—some fresh discoveries are made,

¹ *Supra*, p. 288.

the most fruitful line of investigation will be a careful study of the rhythms employed in Thomas of Celano's prose. In 'Le Premier Siècle Franciscain' Professor E. Jordan deals with the great crises in the order arising out of the problem of Evangelical Poverty. Especially noteworthy is the analysis of the various characteristics of the 'Spiritual' friars (p. 127): the whole complicated story is treated with such knowledge and sympathy, combined with wise criticism, that one would like to have it retold by M. Jordan in greater detail and with fuller references to authorities than is possible in an essay. The most brilliant article in the volume is that by Professor E. Gilson on 'La Philosophie Franciscaine'. There was no specially Franciscan philosophy:

Une philosophie franciscaine n'est donc pas une philosophie inventée par saint François, ni déduite de principes philosophiques posés par saint François, c'est la philosophie pure et simple, en tant qu'elle se réforme et se transforme du dedans pour attacher l'homme à Dieu par la contemplation du Christ, l'imiter par l'exercice des vertus et lui conquérir des âmes.'

M. Gilson confines himself to following out this idea as exemplified in the great Franciscan thinkers, Bonaventura, Roger Bacon, Raymund Lull, Duns Scotus, William of Occam. Alexander of Hales is very briefly touched on with a reference to the monumental edition of his *Summa* now in process of publication, and lesser lights are wisely left out altogether: there is no reference to Thomas of York, whose recently discovered metaphysics may raise him to the first rank. Another short article packed with matter is that on 'Les Missions Franciscaines au Moyen Âge' from the competent hand of Professor L. Bréhier, but it suffers from the absence of maps. The book is valuable as containing the results of recent researches set forth in a clear and attractive manner by recognized scholars. There are rather more misprints than one expects to find in a finely printed volume of this kind.

A. G. L.

In the *Registre des Parlements de Beaune (1357-80)* (Paris: Société d'Histoire du Droit, 1927) Professor Pierre Petot has given us a complete transcript of an important register in the Archives nationales, containing the full record of the work of the parlement of the duchy of Burgundy between the years 1357 and 1380. From this register much can be learned, not only of the judicial work of the duchy, but also of the relations of Burgundy to the crown of France at a critical period, and its value is all the greater because scarcely any other original documents giving a continuous account of the work of this provincial parlement appear to have survived. The editor has provided an introduction which gives a brief account of the history of the duchy during the period, the origin of its judicial court, and the relations of that court to the parlement of Paris. The text is followed by a short appendix of original documents illustrating the result of various appeals made from the decisions of Beaune to the judgement of Paris, and by short biographical notes on some of the leading magistrates mentioned in the register. The index to the volume is particularly useful, as not only does it contain references to persons and places but also to subjects; so that it is possible to collect information on matters of legal interest without a laborious search through the whole of the text. The register throws light on the failure of the Burgundian parlement to

gain a really important position as a judicial body. The sessions were held at very irregular intervals, they only lasted for a few days so that business was often left unfinished, and there were no permanent members. Far the longest meeting during this period was that of 1376, which lasted from 18 May to 22 June, but in 1357 and 1362 only five days were devoted to the work in hand. Many cases were postponed, others were settled by default, owing to the failure of one or other of the parties to appear, and very frequently appeal was made to the parlement of Paris. The register notes, however, that these appeals were not always carried out, and the provincial decision was accepted in the end. The parlement of Paris generally alluded to the Burgundian court not as a parlement but merely as 'Les Grands Jours'. It is interesting to note that this title was applied in Bordeaux to a court which in the fourteenth century was superior to that of the seneschal, but not a final court of appeal; in Gascony, however, from 1370 until its loss by the English, a *Curia Superioritatis* was allowed to decide cases in the last instance. The document has been admirably edited and is a valuable contribution both to the history of Burgundy and to the study of provincial institutions in medieval France.

E. C. L.

Dr. Preserved Smith's *A Key to the Colloquies of Erasmus* (Harvard Theological Studies, xiii. Cambridge, Mass.: Harvard University Press, 1927) is an interesting piece of work. Dr. Smith traces the gradual growth of the *Colloquies* from the little *Formulae*, first composed in Paris c. 1497 but not printed till 1518, through all the subsequent editions, eighteen in number, in which the author enlarged them; and with great ingenuity identifies many of the characters whose names are sometimes transparently, sometimes more obscurely, disguised. He brings to bear upon questions which arise the wide knowledge of the period of which he has already given so many proofs. The identifications of Ornithoplutus ab Isocomo with Heinrich von Eppendorff and of Glaucoplutus with Ulrich (Zwingli or Zasius) are particularly clever. In tracing the sources of Erasmus's ideas he is often very happy. The connexion with Hroswitha is suggestive; and the attribution of the colloquy *Naufragium* to the actual shipwreck of the *Good Fortune* is attractive, if not wholly convincing. In the same colloquy he adds another to the list of passages in which Shakespeare may have remembered his early reading of Erasmus. At times Dr. Smith's enthusiasm for identification carries him rather far; the aspersions, for instance, on Froben in conjecturing that he was one of the peccant husbands is unjustifiable. On p. 41, the celestial missive from the Virgin 'a lapide' was delivered, no doubt, at Mariastein, near Basle, a famous place of local pilgrimage. On p. 45, the argument is affected by the fact that the *Charon* was printed first in 1523, some years before the *Dialogo de Mercurio y Caron*, which M. Bataillon now attributes to Alfonso Valdes, not Juan. On the same page for *Vives* read *Virves*. Dr. Smith has been deceived by the date of the Cologne edition of the *Colloquia* by Cervicornus. The title-page shows that in 1528 Cervicornus began to reprint the Froben edition of June 1526; enlarging it with two dialogues which had been added in the Froben edition of 1527. But when the book was nearly finished, and the last sheet gg already printed as far as folio 8, the Froben edition of March 1529 appeared,

with nine more dialogues. To accommodate these sheet gg was enlarged out of all knowledge to 36 folios : the date on the title-page remaining unaltered. A further proof that these nine dialogues were added after the completion of the volume on its original plan, is that their titles do not appear in the alphabetical index of colloquies. Dr. Smith's elaborate work establishes clearly that it was Erasmus's practice to draw upon his own experience, and put his friends and enemies into his books : an inference which is important and must always be borne in mind when he is read.

P. S. A.

The Literary History Lecture to the British Academy delivered by Professor R. W. Chambers has been printed as *The Saga and the Myth of Sir Thomas More* (London : Milford, 1927). In this the author first pays a just tribute to the fine literary and semi-dramatic qualities of the early *Lives* of More, stressing their essential agreement and their growing willingness to admit the miraculous. Then he turns to the vexed question of More's treatment of heretics and of the apparent divergence between his practice and the principles enunciated in the *Utopia*. He analyses all the known cases of More's alleged persecution of heretics and explains or refutes one by one the charges commonly brought against him on that ground. In the second part, the theories of the *Utopia* and the practice of More are compared. The narrow limits of the religious 'toleration' granted to the Utopians, the essentially medieval nature of their non-Christian polity, its sacerdotalism and collectivism, are shown as permanent parts of More's thought. Finally, a strong plea is entered for the consistency of More's life and death. On the whole Dr. Chambers seems to have proved his case. Some exception may be taken, however, to a slightly distorted picture of the evil effects of the Reformation in England. This almost seems to imply (p. 50) that *all* the treasures of art of the English middle ages were destroyed at the Reformation, while it is an exaggeration to depict More's England as 'a land of schools more plentiful than ever they were again until almost our own day' (p. 45). None the less this lecture is an important contribution to the intellectual history of the sixteenth century and to the life of one of its most representative men.

G. R. P.

'Records of the trials of Englishmen (in Mexico) in the sixteenth century cover nearly 4,000 closely written folios.' Mr. G. R. G. Conway has had all these transcribed : he gives a list of the documents earlier than 1571 with a summary of their contents, and he prints in full, both in the original Spanish and in an English translation, the earliest of them, viz. the official record of the process in the archbishop's court against Robert Tomson, whose story is told by Hakluyt. *An Englishman and the Mexican Inquisition, 1556-60* (City of Mexico : Privately printed, 1927), is a careful and lucid exposition, which not only sets forth inquisitorial methods in Mexico before the regular establishment of the Spanish Inquisition in 1571, but also, by means of an excellent introduction, notes, quotations, facsimiles of documents, and other pictorial illustrations, throws much light on life in early Mexico in a readable and pleasant fashion. Except that confession by the accused was a necessary part of the *proceso*, Tomson had a fair trial. In view of his poverty, the court named two eminent lawyers

to defend him. He was five months in prison before sentence was pronounced, but this delay was partly due to adjournments owing to the absence of witnesses. The charge of heretical utterances was clearly proved, and Tomson was condemned to a year's imprisonment and to wear the *san benito* for three years. F. A. K.

'Of all historical narratives, those which give a faithful account of the lives of eminent saints, must needs be the most edifying.' These words of his hero are quoted by Dr. K. B. Murdock on the title-page of his *Increase Mather, the Foremost American Puritan* (Cambridge, Mass.: Harvard University Press, 1925), and in themselves suffice to indicate the main theme of this excellent work. Dr. Murdock is most interested in Mather as a mighty force in the religious and intellectual life of New England. He estimates justly the influence Mather exercised both as a minister and as president of Harvard, depicts clearly his relation to his age, and traces his gradual emancipation from the narrow theological bonds of his time. As regard social customs, however, Mather belonged to the type of puritans who formed the majority of the long parliament. His attacks on dancing, stage plays, and drinking healths may have been inspired in part by the writings of William Prynne. His attitude towards toleration resembles that of Cromwell, though less generous. He, too, believed in indulgence for those 'that have the root of the matter in them', but judged 'it most unreasonable that pretended liberty of conscience should be an asylum for the profanest errors to take sanctuary in: as though men must therefore have liberty to profane sabbaths or sacraments'.¹ On the whole, Dr. Murdock seems to have vindicated the moderation of Mather's views, and to have repelled successfully many of the trenchant attacks on New England puritanism by J. T. Adams in *The Founding of New England*. At a time when there was no definite line between religion and politics, Mather's excursions into temporal affairs occasion no surprise. He was a leader of the resistance to the forfeiture of the Massachusetts charter. It is noteworthy that he regarded the matter as a plot 'to produce a general shipwreck of liberties', and he urged the freemen of Boston to imitate the example of the citizens of London in refusing voluntarily to forfeit their charter. It is a pity that Dr. Murdock did not investigate the connexion between the attacks upon the charters in England and in America, and test the accuracy of his hero's view that both formed part of a movement to establish arbitrary government. Instead he accepts the conventional notion of the 'Stuarts' imperial policy'. Mather was in England 1688-91 to seek a new charter, and it is clear that his various writings supply many glimpses of English notables which have hitherto escaped the notice of their biographers. It is to be hoped that Dr. Murdock will produce an edition of Mather's autobiography and diary, and thus lay students under a further obligation. G. D.

Owing to the death of Mr. W. J. Hardy there is no general introduction to the *Calendar of State Papers, Domestic, William III, 1697*, edited by him (London: Stationery Office, 1927), but Miss E. Stokes, who saw it

¹ Cf. Cromwell's Speech v, in Carlyle's *Life and Letters* (ed. Lomas), ii. 535-7, and clause xxxvii of the Instrument of Government.

through the press and compiled the index, points out in a brief prefatory note that the most important materials for the history of the period are in private hands. For instance, the papers of the duke of Shrewsbury, who was secretary of state, should be here, but are mostly in the possession of the duke of Buccleuch, and have been calendared by the Historical MSS. Commission, or were published in 1821. The most important papers in this calendar are the proceedings of the lords justices who governed England during William's absence in Flanders. They extend from 1 May 1697 to the middle of November following, and as the lords met three days in the week, and dealt with every possible subject (except foreign affairs), the minutes are often of much interest. The discussions on finance and on the employment of the navy are very illuminating. It is clear that financial difficulties made peace obligatory, and, owing to the difficulty of victualling the fleet, made success at sea practically unattainable. Rooke's letters to the admiralty show this. In June ambassadors abroad were 'in great necessity'; one was reduced to selling his plate; at home it was difficult either to collect troops in camp or to maintain them in country quarters (pp. 181, 182, 190, 277). The news that peace had been concluded, which came on 14 September, was welcomed 'with all imaginable expressions of joy', and the stock of the Bank of England rose 12 per cent. in the day (p. 365). A good series of letters from James Vernon to Sir Joseph Williamson are printed here, and supplement his letters to the duke of Shrewsbury published in 1821. The letters addressed to Vernon by Yard and other correspondents show how the intelligence he sent to Williamson or Shrewsbury was obtained. One of Vernon's letters gives an account of the death of Jean Blancard (p. 313), the author of the very valuable series of letters about English affairs printed in the reports of the Historical MSS. Commission on the papers of the earl of Denbigh, whose authorship so long remained a mystery. A group of papers relating to the disbandment of the army and the parliamentary debates thereon in December 1697 deserves attention. On Scottish politics there is practically nothing, but the proceedings of the Irish government and Irish parliament are elucidated by the correspondence of the lords justices there with the English government. The destruction of the Irish records increases the value of papers relating to that country preserved in England. Froude, in his *English in Ireland* (i. 280-2), often quotes the correspondence of Joshua Dawson, secretary to the Irish government. The proposal of that official in 1697 for the foundation of a state-paper office in Ireland is given at length in this calendar (p. 107). It would not be difficult to point out other single documents of some interest: the defect of the calendar is that (with the exceptions noted above) consecutive sets of papers seem to have drifted into private hands or fallen into the custody of the departments. Nevertheless, imperfect though the materials for the calendar are, it is desirable that the series should be continued to the close of William the Third's reign.

C. H. F.

Mémoires et Aventures d'un Homme de Qualité, tome v, edited by Miss Mysie E. I. Robertson (Paris: Champion, 1927), is an enthusiastic description of England in the reign of George I by the Abbé A. F. Prévost. It is as a forerunner of the Anglophile propaganda which was to exercise an

important influence on France in the eighteenth century that it has been extracted from its context and elaborately edited by Miss Robertson, who has discovered the name of Prévost's employers during his first visit to this country and the judicial record of his prosecution on a charge of forging his former pupil's name to a promissory note during his second and last visit.

R. R. S.

Mr. C. G. Botha's short book, *Social Life in the Cape Colony in the Eighteenth Century* (Capetown : Juta, 1927), as he candidly admits, is in no sense a social history of the period. It is rather a series of notes arranged in natural sequence ; but, as such, it furnishes a good summary of the main facts of the social life of the Cape Colonists in the humdrum eighteenth century. Two chapters are devoted to Capetown and its immediate neighbourhood : first, its institutions and public life generally, and then its private life, proceeding logically enough from marriage by way of baptism and education to the gloomy poms of the funeral. The third chapter deals with the country, that is, the remainder of what was then European South Africa. Perhaps this last chapter might with advantage have been divided into two to distinguish between the life of the wine, corn, and slave-owning farmers of the western districts, and that of the cattle-farmers and their Hottentot dependents in the steadily expanding east. But, since the life of both classes of farmers had much in common, Mr. Botha has elected to deal with them as a single group, and has thereby avoided possible repetition. The numerous illustrations, all from contemporary sources, are excellent ; but their excellence hardly atones for the absence of detailed indication of the authorities on which the author has relied in the compilation of his text. A morbid growth of foot-notes is to be discouraged ; but the reader has a right to expect, in a book of this nature, something more than a bare statement that the material is to be found 'scattered throughout the pages of many volumes by travellers and . . . in the official records'. It is precisely this scattering that constitutes the reader's difficulty, and it is precisely here that he looks for guidance to the Chief Archivist for the Union.

E. A. W.

The British West African Settlements, 1750-1821, by E. C. Martin (London : Longmans, 1927), the second of the series of Royal Colonial Institute Imperial Studies, is a useful study of colonial administration in a hitherto neglected field. Three types of government are described : (1) the management of the Gold Coast forts by the committee of 'the Company of Merchants trading to Africa' from 1750 to 1821 ; (2) the Crown Colony régime in Senegambia from 1765 to 1783 ; (3) the government of Sierra Leone by the St. George's Bay Company, incorporated as 'The Sierra Leone Company', from 1787 to 1807. Miss Martin's clear and interesting narrative is mainly based on unpublished records such as the minutes, correspondence, and accounts of the Company of Merchants, preserved among the treasury papers at the Public Record Office, and the printed reports of the Sierra Leone Company. Apart from the fact that it covers ground which has hitherto been treated in mere outline, the book is of special importance because it deals with two peculiar experiments in colonial government. The committee of the Company of Merchants were empowered by act of parliament

to maintain and control the slave-trade posts with a government grant and under government supervision. The Sierra Leone Company, on the other hand, which in 1801 became the first British Chartered Company in Africa, was a colonizing venture, controlled by philanthropists, and concerned partly with establishing a colony mainly of freed slaves and partly with developing an 'honourable trade' with Africa. Between them the two organizations succeeded in preserving the foundations on which the Crown Colony and Protectorate system of British West Africa was built up in the nineteenth century. R. C.

The diaries which have furnished the material for *The Cleghorn Papers, a Foot-note to History; being the Diary, 1795-1796, of Hugh Cleghorn of Stravithie*, edited by the Rev. W. Neil (London: Black, 1927), have lain, Sir Alexander Sprot tells us, for a century in Stravithie House in Fife. Hugh Cleghorn (1751-1836) is described on his tomb in the churchyard of Dunino as Professor of Civil and Natural History in the university of St. Andrews and 'the agent by whose instrumentality the Island of Ceylon was annexed to the British Empire'. This book is the justification of the latter description. Cleghorn, who had spent so much time on the Continent that the university in 1793 deposed him from his position as professor, had formed a friendship with the count de Meuron, a Swiss who was proprietor and colonel of a Swiss regiment of infantry in the pay of the Dutch East India Company stationed in Ceylon. He offered to the British government to try to secure the transfer of the regiment to the English service. The offer was accepted, and the diary describes Cleghorn's visit to Switzerland and agreement with De Meuron, to whom Cleghorn quoted the orders of the prince of Orange to admit British troops and ships of war to the ports of Ceylon. It describes their journey to Egypt and the great difficulties which they encountered in their journey to India, especially at Jeddah, and their final arrival in India. Van Angelbeck, the Dutch governor at Colombo, would have prevented the transfer had he been able, threatening to detain the regiment as prisoners during the siege, but was obliged to consent to the regiment departing. Cleghorn exultingly remarks, 'In consequence of what I have suggested and executed we withdraw from the defence of the Dutch settlements in India an European force amounting to 950 men, and we add this strength to our army in the Carnatic' (October 1795). Cleghorn subsequently himself went to Ceylon, and was present when our troops attacked Colombo. There was only some slight fighting outside, and the town capitulated. The number of fighting men in Colombo, Cleghorn says, nearly equalled that of the besiegers ('not much inferior,' he says to Mr. Secretary Dundas (16 February 1796)). But the figures given (p. 282) show the total garrison as only 2,770 men, whereas the English had 9,150 men, of whom no less than 5,550 were fighting men. There appears therefore to be some error in the figures. The book suffers from quotations from the diary, of which it apparently mostly consists, being indistinguishable except on internal evidence from the editor's narrative or comment. Thus on p. 45 we read, 'At Venice I received every attention, &c. The day of my departure from Venice I wrote him the following letter' (which is then quoted). The next paragraph continues, 'By the desire of Sir Richard Worsley Mr. Watson . . .

gave them every assistance'. And two paragraphs^b farther down we are told that the journal 'has the following entries'. But we are not told in the case of quotation from the diary how far entries are complete or where omissions are made. Nor are references given from one document to another, which in the case of official correspondence, much of which is quoted, lightens the labour of reading (this is customary in every well-edited parliamentary paper). But these are minor blemishes in a book which is a valuable 'foot-note to history'.

H. L.

Ann Hulton went over to Boston at a critical period to live with her brother, who was commissioner of customs there. She wrote from time to time to her friend in England, Mrs. Adam Lightbody, and after a century and a half the *Letters of a Loyalist Lady* (Cambridge, Mass.: Harvard University Press, 1927) are as full of appeal for posterity as the recipient can have found them. Personal interest may be slighter, but there you have a charming and sensible woman telling what happened as it happened: the risks of pirates, the outrages of the American mob (not greatly changed), the mutilation of the British dead at Lexington. Reference may perhaps be made to the fact that her brother and his wife drove to Canada 'through the trackless woods' in the first post-chaise that made the journey.

T. R. G.

M. Eugène Tarlé of the university of Leningrad, in the preface to his *Le Blocus Continental et le Royaume d'Italie* (Paris: Alcan, 1927), points out very rightly that the economic history of Italy during the seventeenth, eighteenth, and early nineteenth centuries remains to be written. A study of the administrative documents of Napoleon's kingdom of Italy has helped him to contribute to it. But, as he fully admits, these documents have grave defects as economic sources. The kingdom was short-lived, variable in area, in a constant state of war, rumour of war, and exploitation for war purposes. (A parallel study might be that of Polish economics, 1914-18). The documents assume agriculture as the staple economic activity of the Italians, but do not describe it. One is tempted to suspect that they are even less trustworthy than M. Tarlé suggests, although he by no means takes them all at their face value. Napoleon himself grumbled (p. viii) that he could never get satisfactory accounts of the state of industry and commerce on the eve of the French occupation from any of his Italian conquests. M. Tarlé finds this 'chose curieuse à noter' and seeks to explain it; but one wonders what sort of picture, at least of industry, Napoleon would have been able to get from pre-existent official sources had he ever conquered England? Even in the Napoleonic figures, M. Tarlé complains, 'la distinction n'est jamais faite entre les ouvriers qui travaillent à l'intérieur des fabriques et ceux qui prennent de l'ouvrage à domicile'. Would it not be rather naïve even to hope to find it made? The general established conclusions of the book are easily summarized. The kingdom is systematically exploited for the benefit of Napoleonic policy and of France: conscription sweeps up labour and causes migration to the mountains: food supplies go to France when France wants them: industry is subjected systematically to French competition: it gets none of the

technical encouragement given to its French rival : what exports it had—raw silk, Venetian glass, and so on—are crippled by the blockade or carried on dangerously with the great and flourishing English smuggling base of Malta : only those which work for local markets—the rough woollen industry, flax, hemp—and the munitions industry of Brescia retain any vigour : the blockade and the tariff of Trianon ruin the import trade : bankruptcies of merchants are innumerable and continuous : the great fair of Sinigaglia declines : Venice and Genoa *chôment*. *Per contra* the kingdom gets a number of good roads, the Code Napoléon, and the *livret*. The statistician welcomes some facts of interest from Napoleon's prefects, however sceptical he may be of, e. g., their foreign trade figures. In 1806, 459 silk 'fabriques' average 52 weavers each, who *appear* to be all 'ouvriers de dedans' (p. 72). There are a few very large concerns in silk and wool. One wool business is credited with 1,000 workers, mostly outworking weavers no doubt (p. 78). All leather, iron, flax, hemp businesses are small. The learned professions are singularly ill-staffed. The narrative of the actual blockade is what one would expect, including the rather grotesque episode of licensed trade with Malta, 7,000,000 lire of licensed exports in 1812, for example (p. 234). And as a result of her economic subjection to France the industries of the kingdom did not get that stimulus from the blockade which is so important a feature in German economic history.

J. H. C.

Professor F. R. Flournoy seeks in *Parliament and War* (London : King, 1927) to investigate 'the part which parliament has played heretofore in the direction of foreign policy', and discusses in detail such share as parliament took in the actual initiation of nine wars of Queen Victoria's reign and of the great war. He is not dogmatic as to the lessons to be learnt from this history, but his tentative advocacy of 'the extension of democratic control through Parliament' over the conduct of foreign affairs and his belief in the idealism and intelligence of the group of members who from time to time, especially during the years 1906 to 1914, have spoken in the house of commons in favour of disarmament, and against secret diplomacy, are open obviously to challenge. An American publicist who relies on *Hansard* is at a disadvantage in not knowing the relative weight and influence of the members whose speeches are reported. Judged, however, as pure narratives, these surveys of the causes of British wars are useful and clearly written. The chapter on the origins of the great war is written with austere detachment.

G. B. H.

In *The Pathway of Peace* (Cambridge : University Press, 1927) Professor Robert McElroy publishes his seven Watson chair lectures on the diplomatic relations between the British and American governments since the war of independence. The purpose of the book is propagandist in the best sense, and indeed there could be no more helpful dialectic in favour of peace and good understanding than this sober and impartial survey. As the writer truly says, 'to remove from history the propaganda of the past is an important part of the duty of the historian', and he gives short shrift to the traditional misrepresentations which have so often prejudiced America's view of British policy and the British people. The book is, of

course, not meant to be a history, but incidentally it contains admirable accounts of episodes like Genêt's case, Jay's treaty, Napoleon's sale of Louisiana, and the composition of the Monroe doctrine, which show complete knowledge and are convincing. The last lecture points to the need of America's acceptance of the permanent court of international justice. Here there are, in Dr. McElroy's opinion, the three familiar barriers to peace, 'ignorance, suspicion, and local mindedness', barriers which his persuasive pages should do something to remove. G. B. H.

A new book on the Monroe Doctrine is justified, for there is always something to be discovered from the masses of available documentary material, and the Doctrine itself is continually going through a process of evolution which makes fresh comment indispensable. Professor D. Perkins's *The Monroe Doctrine* (Harvard Historical Studies, xxix. Cambridge, Mass. : Harvard University Press, 1927) is well planned and well executed. He has mastered the printed sources and he has used foreign archives, especially in Paris, but also those of Berlin and Seville, as well as the Public Record Office. The subject is approached first of all from the side of Russia, and a good comprehensive account is given of the Russian occupation of Alaska, and of the famous *ukase* of Alexander I, the reaction to which was perhaps the origin of the Monroe Doctrine. The next chapter is 'The Latin-American Phase'. Mr. Perkins believes that the French design to establish a Bourbon monarchy in South America was sincere, and he gives full credit to Canning, in the Polignac negotiations, for obtaining the renunciation of this design. President Monroe's message of 2 December 1823 arose not out of this French design but rather out of Canning's proposal for a joint British-United States agreement or declaration. John Quincy Adams was absolutely against any such joint action. Mr. Perkins gives a full account of Adams's policy, and makes him the chief mover and designer of what has become the historic policy of the United States. The book has many interesting pages on the reception of the Monroe message. Although the European statesmen took note of it, yet it did not arouse a great deal of attention, except in the British Foreign Office. In the United States it does not seem to have created any excitement at all. The continental powers hoped that, in protest against the message, the British government would come into line with them and meet them in a congress; but Canning would not do so. He had already practically left the concert of Europe. Mr. Perkins's book is well written and a subject which, treated at great length, may be confusing even to historical students, is here simple and intelligible. R. B. M.

Professor G. N. Steiger's *China and the Occident* (New Haven : Yale University Press ; London : Milford, 1927) is limited in its scope to its sub-title : *The Origin and Development of the Boxer Movement*. The author shares the tendency, common to many of the works on China published in America, of ascribing all the virtues to Chinese statesmen and people, and taking their professions and pledges at their full face value ; while Western (and Japanese) statesmen and diplomats are always judged by the results of their advice and actions, and never by their intentions. Even the American administration, commonly pacifist in its Chinese department, is

declared to have been swept away by a wave of imperialism in dealing with the Boxer crisis; and the only American official who receives unstinted praise is the admiral, who refused to join in the ultimatum to the Taku forts, and thereby abandoned his landing force of 112 marines from his ships who were with Admiral Seymour. The envoys in Peking could do nothing that was right, and what they did was done in the wrong way; and the principal culprits were the American, British, French, and German ministers. They, one and all, did wrong when they complained of outrages in the country-side, and they did worse wrong when they complained of doings in Peking; but the worst wrong they did was in bringing up the legation guards, 450 armed men who (when the Seymour reinforcements failed to get through) were the sole protection, against repeated assaults, of the foreign legations containing 245 men, 149 women, 79 children, besides some thousands of Chinese converts. It is easy for the *ex post facto* arm-chair historian to declare that, if no legation guards had gone up, nothing would have happened; but in Mr. Steiger, who has lived in China and understands the Chinese psychology, it is truly remarkable; and it is still more extraordinary to point (p. 200) to the Boxer movement as 'a revolution against government by ultimatum vested in the diplomatic body'. The Shansi governor Yü Hsien is made to figure as an amiable old gentleman. Of Yuen Shih-kai it is written that 'he was primarily a military officer and knew something of the facts of modern warfare'. A Chinese military officer need not necessarily know anything of the facts of modern warfare; and of Yuen Shih-kai it should be noted that until 1885 he was confidential secretary to Li Hung-chang, 1885-94 was resident to the court of Korea, 1895 was Taotai at Wenchow, 1897 was provincial judge of Chihli, 1898 (December) was expectant vice-president of a ministry with control of an army corps, 1899 (June) junior vice-president Ministry of Works, and 1899 (September) governor of Shantung, which post he continued to hold until in November 1901 he was appointed acting viceroy of Chihli. There is not much of the military officer in this record. In Mr. Steiger's bibliography I do not find R. C. Forsyth's *The China Martyrs of 1900* (Fleming Revell).

H. B. M.

Du Jarric, the Jesuit historian, is best known to the modern reader through the references to his work made by Mr. Vincent Smith in his *Akbar* and elsewhere. One exceedingly interesting aspect of Mr. C. H. Payne's recent volume of selections (*Akbar and the Jesuits*) from Du Jarric's *Histoire* (London: Routledge, 1926) consists in the way in which he corrects the errors into which Mr. Smith fell in this connexion. The latter, though extolling the Jesuit writers as sources for the history of the reign of Akbar, seems to have made but a superficial study of them. Thus he cites Guerreiro's *Relaçam* as confirming the version of the siege of Asirgarh given by Du Jarric, but asserts that he gives no details of the siege; whereas, as Mr. Payne shows, Guerreiro was the very source from which Du Jarric took the details of the siege which he records. The criticisms which Mr. Payne passes on Mr. Smith's work seem to us well founded. The *Histoire* itself, moreover, was very well worth translating and publishing. It is true it is not very valuable as an authority for political events; but it has great value as illuminating Akbar's character and illustrating his

religious policy, besides affording much light on the life and manners of the age. Mr. Payne has done his work well and carefully, collating his author wherever possible with the original documents on which he drew. But it is surely rather slipshod to cite as authority for Badaoni's sentiments passages quoted in Blochmann's translation of the *Ain-i-Akbari* instead of referring to Badaoni's own *Muntakab-ut-tawarikh*. H. H. D.

John Marshall went to the East in 1668 as a servant of the East India Company, and died at Balasore, at the age of thirty-five, nine years later, having spent nearly all this period in Bengal. In matters of merchandising there was little to distinguish him from his colleagues ; but in one respect he was far superior. It was rare indeed for a university graduate to be found among the Company's factors, and equally rare for any of them to take a serious interest in the religions and languages of the people among whom their lot was cast. Marshall had kept his terms at Christ's College, Cambridge, where he was a friend of More the platonist and Covel the traveller ; and, but for the rigidity of the college statutes, he would probably have spent the rest of his life as a fellow there. Forced to adopt another means of livelihood, he indulged his scholarly tastes by mastering Persian, translating (from Persian versions) some of the Hindu sacred books, and making sedulous inquiry into matters of religion, folk-lore, astrology, medicine, and so forth. Naturally many errors are to be found in his record of the results, for he often misunderstood or was misinformed ; yet much is left that is of value, and as a whole his notes must be pronounced curious and interesting. Four of Marshall's note-books are now in the British Museum. Two contain little more than a translation of the *Bhagavata-purana* ; the other two are reproduced in *John Marshall in India : Notes and Observations in Bengal, 1668-72* (London : Milford, 1927). As their contents are very confused and intermingled, the first task was to sort them out and group together the notes on specific subjects. Rather more than a third of the text consists of Marshall's record of his own travels, with other geographical and commercial information ; while the rest is occupied by his notes on other matters. The task of dealing with such a varied mass of material has proved a heavy one, and the editor, Professor Shafaat Ahmad Khan, hampered to some extent by his residence in India, wisely enlisted the aid of several experts. We gather from his preface that the main task of preparing and producing the volume has fallen upon Miss Anstey (whose elucidation in the introduction of Marshall's career merits special praise), but Sir Richard Temple has also contributed many notes (particularly on matters of religion and folk-lore), Mr. Kaye has dealt with all questions of astronomy and astrology, and two of Dr. Shafaat Ahmad Khan's colleagues at Allahabad have rendered valuable assistance. The result of this team-work is admirable. Whether the editor's enthusiastic claim that the book ' will revolutionize our conceptions of seventeenth-century India ' is to be conceded may be a matter for doubt ; but unquestionably the volume will be welcomed by students of the period, to whom Marshall has hitherto been little more than a name. It is also a satisfaction that a suitable tribute has been paid by the university of Allahabad to a scholarly-minded Englishman who was the first investigator in a field which has since yielded such rich results. W. F.

Those who have read Professor H. Pirenne's admirable little book on medieval cities in its English garb¹ will be glad to re-read it in the original French text, which he has now published in *Les Villes du Moyen Âge* (Bruxelles: Lamertin, 1927). The best translation can rarely give an impression equal to the original, and M. Pirenne's power of exposition, and his style, graceful and forcible, easy and precise, cannot well be transferred to another tongue. The depth and width of his knowledge of medieval towns, the originality of his intuitions, and his just perspective of European evolution, make this brief work a classic. I.

Judged by what he himself wrote and published, George Unwin would not stand in the front rank of historians. Judged by the writings that he inspired and by his influence on economic historians, he commands a place second to none among thinkers and teachers in his chosen field. The source of that influence will be clear to all who read his collected papers, now published for the Royal Economic Society under the title *Studies in Economic History, edited with an Introductory Memoir by R. H. Tawney* (London: Macmillan, 1927). The writings included fall into three groups: first, papers and lectures, some not previously printed, which expound Unwin's philosophy of history and his conception of the duties of a teacher; secondly, reprints of a number of scattered writings, including his contributions to *Finance and Trade under Edward III*, the *Victoria County History of Suffolk*, and *Shakespeare's England*, and various reviews of books; thirdly, two works hitherto unpublished, namely, some chapters of an unfinished History of Commerce, and a course of lectures on *The Merchant Adventurers Company in the reign of Elizabeth*, delivered at Oxford in 1913. This last is by far the most important piece of historical writing in the collection. It is also highly characteristic. The view of Lingelbach and others that Elizabeth's government pursued a consistent and successful commercial policy, of which the Merchant Adventurers were the chief instrument, suffers the same fate as Cunningham's first theories about Edward III. Elizabethan policy was conservative and obstructive, that of the companies exclusive and restrictive, and together they caused, not trade expansion, but trade depression. These lectures are an epitome of Unwin's main convictions about economic history, namely, that theory more often explains policy than inspires it, that state action has usually been impotent except for evil, and that the vital force in economic progress lies in the forming and re-forming of voluntary associations. He reacted strongly against an economic history bound by the *clichés* of politics, and it is possible, as Mr. Tawney says, that 'his scepticism of the achievements of authority was exaggerated'. Some will find in his writings too great a readiness to use the past as a moral mentor for the present. There is something a trifle melodramatic in his picture of the conflict between the state and society, something a little fantastic about a world in which Seeley figures as a boggy. But it was not so much to his philosophy of history that he owed his great influence, as to his stimulating method of expounding it, which revealed a remarkable combination of scholarship with 'intellectual audacity'. These qualities are admirably illustrated in this volume.

T. H. M.

¹ *Ante*, xli. 145.

Geschichte und Kirchengeschichte an den deutschen Universitäten, by Emil Clemens Scherer (Freiburg : Herder, 1927), is a work of immense erudition which throws light not only on the teaching of history but on the intellectual life of Germany during three centuries. Historical teaching came in with Humanism, which embodied a healthy reaction against the domination of Scholasticism. The movement inaugurated by Celtis was carried on by Melanchthon, who is hailed as the real founder of the academic study of history in Germany. But while the new branch of learning was being vigorously cultivated in protestant universities, the rise of the Jesuits and the domination of the catholic universities by their *ratio studiorum* led to a revival of scholastic theology and to the neglect of historical instruction in southern Germany till the suppression of the order in 1773. Despite the lamentable interruption of the Thirty Years' war, the study of history advanced in the north, and church history began to emerge as a separate item in the curriculum towards the end of the seventeenth century. The story of the protestant seats of learning is brought down to the foundation of Göttingen in 1734, which quickly became the centre of instruction in secular history with Pütter, Schlözer, and Heeren, and in ecclesiastical history with Mosheim, who is justly acclaimed as the founder of non-polemical methods and the writer of the first reasonably impartial text-book. The later chapters of this massive volume are devoted to the catholic universities, of which the record is brought down to the end of the eighteenth century. It was not, however, till Döllinger and Möhler began to lecture at Munich in the second quarter of the nineteenth century that catholic Germany could boast of historical teaching in any way worthy to rank with that in the north. It is to be hoped that the author will bring down to our own time the story of an important branch of higher education which he has told with so much learning and such commendable impartiality. Full bibliographies of sources and secondary authorities add to the value of this scholarly book.

G. P. G.

Monsieur F. Walter in *La Littérature Portugaise en Angleterre à l'Époque Romantique* (Paris : Champion, 1927) has had the good fortune to discover a new subject and the wisdom to go beyond his title, for he treats of Portuguese literature in England from the beginning and ends with Quillinan, son-in-law of Wordsworth. His work, if not quite exhaustive, is very full, and it contains a background of political events, indispensable, but not always found in such studies when written by foreigners, owing perhaps to the lack of adequate histories of Portugal. We do not possess one in English : Morse Stephens confessed that his was a 'pot-boiler' and, like the others, it has grave errors. The death of King Sebastian, the revolution of 1640 followed by the war with Spain, the earthquake of 1755, the Napoleonic invasions, the Peninsular war, and the Liberal emigration are shown in their literary reactions, and the influence of English visitors to Portugal (Mickle, Murphy, Beckford, Southey, Strangford, and Kinsey) on the literary approximation of the two countries is set out. M. Walter is a penetrating critic, and both in the text and in a bibliography of twenty pages gives evidence of patient research which has led to curious discoveries, e.g. that between 1808 and 1832 no less than twenty-five reviews were published in England by Portuguese and Brazilian *émigrés*, some of real

merit. The story of Ignez de Castro has inspired our novelists and playwrights, but, in view of the secular alliance between the two countries, larger and more fruitful literary exchanges might have been expected; few Lusophiles, however, have been persons of intellectual distinction, and even these have not always had a good press. Southey himself, who, though he could not appreciate Camoens, did much for Portuguese literature here, received abuse for his excellent history of Brazil. Moreover, translators and critics have not always understood the mentality of the Portuguese, and travellers have too often regarded only material things and gone beyond fair criticism, abusing even the language. Beckford was one of the exceptions; he had exquisite sensibility and such powers of observation and description that his picture of eighteenth-century society is accepted as authoritative by the Portuguese themselves. Considering how they carried their language over the world—Robinson Crusoe and Lemuel Gulliver spoke it—we learn with surprise that it was not admitted into the early polyglot dictionaries. Apart from Camoens, the Portuguese works which have attracted Englishmen have been histories and records of travel. One of the few classics outside this range to be put into English is the *Carta de Guia de Casados*. The greatness of Camoens as a lyric poet was first pointed out by Hayley, and until Mrs. Hemans, no one translated his sonnets with feeling and fidelity; we have had to wait until now for versions of Gil Vicente and the poets of the *Cancioneiros*, and for a literary history from Mr. Aubrey Bell. We wish M. Walter had extended his survey to the present time, for there has lately been a revival of interest in Portuguese studies, marked by the foundation of a Camoens Chair at London University, which preceded that at Lisbon, the gift, be it noted, of a Brazilian. He omits to mention the English editions of the great ascetical treatise of Frei Thomé de Jesus, more numerous than those of the *Lusiads*. E. P.

The history of majority rule and the grounds for its adoption have been much discussed in recent years, especially since the system has received a less universal support than formerly. Now Signor E. Ruffini Avondo has written *Il Principio maggioritario* (Turin: Bocca, 1927), giving a brief account of its origin and progress. He is best perhaps in dealing with the rival systems of unanimity and the *sanior pars* and in describing how they were transmuted into the prevalence of the majority vote. On its theoretical justification he shows much learning without coming to any very definite conclusions. J.

A Calendar of the Greenwell Deeds preserved in the Public Library, Newcastle-upon-Tyne, by Mr. Joseph Walton, has been printed by the Northumberland Press Limited (Newcastle-upon-Tyne: 1927) for the Public Libraries Committee of Newcastle, and, simultaneously, for the Newcastle Society of Antiquaries, to whose members it has been issued as vol. iii of the fourth series of *Archaeologia Aeliana*. The deeds, numbering 467, were formerly the property of the well-known antiquary, the late Dr. William Greenwell. They relate, with few exceptions, to estates in the county of Durham, and all but a small number formed the muniments of the extinct families of Trollope of Thornley and Forcer of Kelloe. A high proportion are medieval, 309 being anterior to the year 1500, and about

40 per cent. of the whole are of the fourteenth century. Very many are documents of the Kellawes of Kelloe, a family of small landowners of which Bishop Richard Kellawe may have been a member. There are early deeds of the Elstobs of Foxton, progenitors of the learned Elizabeth Elstob, and a certain number of Lumley deeds of the late thirteenth century, and it may be observed that some of these have been noted in the herald Robert Glover's abstracts of Lumley evidences in Harleian MS. 1985. Dr. Hamilton Thompson's excellent preface draws attention to many of the most interesting deeds, which include a charter of Bishop Geoffrey Rufus (1137-40); a charter of King Stephen; a grant of a chapel at Warenford in Northumberland to Clairlieu (a house of the order of the Holy Cross in the diocese of Liège); a letter of confraternity issued from Cîteaux in 1292; and several fourteenth-century leases of coal-mines, of which the earliest is dated 1320. An indenture of 1338 records the delivery of a large number of deeds of title, all of which are specified and most of which are identifiable with deeds in this collection, as well as of a great bugle-horn called the charter of Kelloe, a life of St. Thomas of Canterbury, a book of 'Amadas and Ydone', and a French Bible. It may be pointed out that no. 155 was calendared in *Collectanea Topographica et Genealogica* in 1837 as a deed in the treasury at Durham, and that the series of Offerton deeds was printed *in extenso* in *Archaeologia Aeliana*, 1st series, ii. 273-86. Mr. Walton has done his work well, and misreadings are few, but Vlcto in no. 69 should be Uleston, now Ouston; Mulesfel in no. 28 should be Mulesfen, now Mousen; and on p. 75, line 25, R. bishop of Durham should be H[ugh] bishop of Durham. Some forty or fifty deeds, chiefly of early date, from the Greenwell collection, remain in private hands and are not included in the calendar.

H. H. E. C.

A beautifully printed volume commemorates the foundation of the Praga Lodge of the Order *B'nai B'rith* (Children of the Covenant), which has attained its twenty-fifth year. The authors of *Die Juden in Prag: Bilder aus ihrer tausendjährigen Geschichte* (Prague: 1927) are five Jewish scholars, Drs. Bergl, Blaschka, Lieben, Spiegel, and Steinherz, whose essays furnish a continuous history of the Jewish colony in Prague from its commencement to the expulsion of the Jews by Maria Theresa in 1745; the account of their exile and restoration in 1748 is reserved for another work. A short introduction is prefixed by Professor Steinherz, the general editor. In narrating the fortunes of their countrymen and (presumably) ancestors these historians have kept singularly free from partisanship. The evidence which they produce on the whole sustains the claim sometimes made by the Roman church that it has been the protector of the Jews. Even the violent measure taken by Maria Theresa after the evacuation of the city by the forces of Frederick II of Prussia, the expulsion of the Jews from Bohemia, is shown to have had some excuse. The Jewish community, alleging the obligations of their Sabbath, had declined to take their share in repairing the walls, and some of them had purchased goods plundered by the Prussian invaders from the houses of citizens. The material which is collected in this volume, largely from manuscript sources, sheds a flood of light on the arrangements of the medieval and later ghetto, though it would appear that the Jews of Prague enjoyed on the whole

better conditions than their brethren in most parts of Christendom. The legislation which dealt with them shows a strong likeness to that which is recorded in contemporary Islamic states. The decisions of the Prague Synod of 1349 compelled the Jews to distinguish themselves from others by their dress, and enjoined their exclusion from all public offices. As in the Islamic states the government was ordinarily on the side of the Jews, whereas the populace was always ready to persecute them. Although in the religious wars the Jews enjoyed greater immunity than the Christian combatants, they were by no means unaffected by what went on around them. For a hundred years the Jews of Prague celebrated a feast in commemoration of the battle of the White Mountain; this was because Maximilian of Bavaria had received orders to spare the Jewish settlement from plunder when he entered Prague. Among the rewards which they received for their fidelity to the house of Habsburg during the Thirty Years' war was the right to have an organ in their synagogue, played by a Jewish organist. This privilege was accorded to no other building of the kind. A copiously illustrated chapter is devoted to the history of Hebrew printing in Prague.

D. S. M.

Under the title of *Mélanges d'Histoire Générale* (Université de Cluj, 1927), that Roumanian university has published, with a preface by the editor, Professor Constantin Marinescu, fifteen papers mostly dealing with the medieval history of the Near East. The indefatigable Professor Jorga has found time from his political avocations to contribute with documents an interesting article on 'The "Saracen" (Turkish) adventures of the French of Burgundy in the fifteenth century', from the Byzantine embassy of Theodore of Karystos to Philip the Good in 1443 asking for aid against the Turks, to 1466, when a letter of Antonio del Palagio, the Florentine historian of the battle of Varna, described 'the conflicts between the Sultan and the Knights of Rhodes'. The documents contain valuable allusions to the history of Trebizond, Cyprus, Rhodes, Bosnia, Serbia, and Roumania. Three papers by M. Bezdechi deal with the Byzantine historian, Nikephoros Gregoras. M. Bulat has collected the French and German poems composed on the occasion of the battle of Nicopolis. M. Giurescu has unearthed from the archives of the French Foreign Office an unpublished account by a Russian officer of 'the campaign of Peter the Great in Moldavia in 1711', which refutes the usual theory that the tsar's sudden departure from Jassy was due to the counsels of Prince Demetrius Cantemir. The editor contributes two articles on the court and corsairs of Alfonso (V) of Naples, one of whom, a Catalan, was instructed in 1453 to visit Castellorizon, or *Castell Alfonsi*, as it is called in the Aragonese document from the castle which commemorated the brief Neapolitan occupation of that island, since 1920 again held by Italy. M. Brătianu finds in the struggle for the markets of the Black Sea 'the origins of the war of Curzola between Genoa and Venice'. M. Tolu reprints the rare booklet by Jean de Malmédy, published in 1565, on the recent war between Maximilian II and John Sigismund Zapolya of Transylvania. The volume also contains two bibliographies, one rather slender, mentioning a few books of travel in Roumania, the other much fuller by M. Crăciun, enumerating 'Roumanian contributions to general history'. This furnishes a brief

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account of Roumanian historians from that strange adventurer, 'Basilicos the Heraclid', who seized the throne of Moldavia in 1561, down to Xenopol and Professor Jorga, the titles of whose historical books and articles filled an octavo volume of over 400 pages seven years ago! One of the curiosities of this list is Tindal's English translation of Cantemir's Latin *History of the Growth and Decay of the Othman Empire* in 1734, which did not appear in Roumanian till 1876. Thus this new publication seems likely to take its place besides those already existing Roumanian periodicals, the *Revue Historique du Sud-Est Européen* and the *Annals of the Roumanian Schools of France and Rome*. No country of south-eastern Europe has paid more attention to its history.

W. M.

It is impossible to over-estimate the lasting value of the successive volumes of the *Survey of International Affairs* (London: Milford, 1928). The second part of the *Survey* for 1925, written by Mr. C. A. Macartney, Miss V. M. Boulter, and others, covers a wide field: 'world affairs' (especially the Locarno conference and treaties); European diplomacy (ranging from international waterways to the exchange of populations between Greece and Turkey); the Far East; the American continent, 1921-5. The appendices include a number of texts of treaties. With this volume is published a 'Chronology of International Events and Treaties' from 1920 to 1925 inclusive, compiled by Miss Boulter. The Royal Institute of International Affairs is establishing by these exhaustive and well-written books a solid claim on the gratitude of the publicists of to-day and of the historians of to-morrow. For the moment their appeal is mainly as works of reference for those who accept M. Briand's dictum quoted on the first page, 'A Locarno . . . nous avons parlé européen. C'est une langue nouvelle qu'il faudra bien que l'on apprenne.'

G. B. H.

Almost all over the world the year 1927 was, in contrast with its predecessors, dull. The volume of the *Annual Register* for the year (London: Longmans, 1928) does not try to make up for this by giving undue prominence to the more 'sensational' occurrences: the events in China, for instance, are treated briefly. The traditional plan is followed with the usual firmness and detachment. The detachment indeed sometimes looks rather like that of the writer who is not quite in touch with his subject. 'The mayor of London', 'Mr. Marshall Banks', 'Lord Cavendish-Bentinck', 'Lord Robert Cecil', 'Mr. Edward March' are names which may mislead some student in the future. Here and there in the short sections on foreign countries there are expressions of opinion which are not impartial.

K.

The Statesman's Year-Book for 1928 (London: Macmillan) fully maintains the high standard we have been led to expect from the issues of former years. It is, as formerly, a most carefully arranged storehouse of facts, indispensable for the student of world politics and of latter-day history. A map of the zones of influence in Morocco and the transference of Iraq to the division comprising independent states emphasize two of the more important recent changes. It might be suggested that the valuable introductory matter on the League of Nations should be printed in larger type.

L.

A welcome should be given to the sixth edition of *Philips' Historical Atlas, Mediaeval and Modern* (London: Philip, 1927), which has been prepared by Professor Ramsay Muir, Mr. George Philip, and Professor Robert McElroy. It has been thoroughly reconstructed, but retains all the merits of the original issue¹ except the handy octavo format. The change to quarto is, however, justified by the greater clearness, scope, and number of the maps, which have been much added to and improved. Among many which are good, the American series, the maps of western Europe, 1555-1648 and 1660-1789 (46, 60), and the Realms of Civilization, A. D. 200 (2, 3), may be signalized. That of Mediaeval Commerce (32) is obscured by the attempt to indicate the neighbourhood in days' journeys of the distributing trade centres: a simple underlining of these centres in some vivid colour would have been more effective. It will not be carping to offer one or two criticisms in detail (to which others might be added) on so good a book, of which this will not be the last edition. In map 22 Henry's II's dominions in France are represented as all equally under his direct rule, while the French king's domain is carefully distinguished from the great fiefs (and Henry II's lands are not indicated at all as fiefs): this is to make Henry far more powerful than he was, for Brittany, Auvergne, &c., stood in much the same relation to him as their suzerain, as he did to the king of France. A map like that in Schrader shows far better the true comparative position. Then, though there was a king of the Two Sicilies from the fifteenth century, there was no such 'kingdom' till 1816, when the island and the mainland Sicily (Naples) were for the first time united in one state since the Vespers. The anachronism occurs in maps 39 b, 55, 56, 57, 61, and as a misnomer for Sicily in 24. Finally, an inveterate error may be noted in the frontier of Dauphiny and Savoy. From the late eleventh century to 1713 the eastern slope of the Mont Génèvre Pass as far as Exilles belonged to Dauphiny. It was only the extension south-east to Pinerolo which was a seventeenth-century French acquisition.

The sixth edition of Professor William R. Shepherd's *Historical Atlas* (London: University of London Press, 1927) is an excellent publication. It is printed at Leipzig, and a large number of its maps are versions of those in Putzger's *Historischer Schul-Atlas*, the publishers of which, Velhagen and Klasing, are indeed responsible for its production. This derivation is a guarantee for its historical accuracy and clear cartography. A number of valuable maps have been added illustrating English, French, and American history. Users of Putzger will miss a few of the German maps, and medieval Italy seems a little neglected. It seems an anachronism to describe Henry II's French fiefs in map 69 as 'English possessions', and in map 70 it would be more accurate to mark the principality of Catalonia instead of merely including it in Aragon. In the inset to 130 the (unnamed) territory of Oulx is wrongly attributed to Savoy in 1418. In the useful commercial map (98-9) the route via the Great St. Bernard and Lausanne and the Great North Road through Stamford might have been inserted. M.

New editions are not usually noticed in this Review unless the changes are considerable, but an exception may be made of two recent reissues.

¹ *Ante*, xxvii. 208.

Mr. W. Miller's *The Ottoman Empire and its Successors*¹ has been enlarged in its third edition (Cambridge : University Press, 1927) by chapters on recent history which may rank as an original source of undoubted value. In reprinting the spelling 'Serbia' might have been adopted with advantage. A new edition of Dr. G. P. Gooch's *English Democratic Ideas in the Seventeenth Century* has long been called for : indeed, the demand has been partly met by piracy. Now it comes out in authentic shape (Cambridge : University Press, 1927) with useful appendixes provided by Professor H. J. Laski. N.

No. viii of the *Bibliographie Lorraine* (Nancy : Berger-Levrault, 1927), published by the university of Nancy, deals with the publications of 1924 and 1925. It is a model of regional bibliography, and summarizes all works in any way connected with the 'region of Lorraine'. Important books are reviewed at length, and many of these reviews, particularly those by Monsieur R. Parisot, are of permanent value. W. D. G.

Mr. R. A. Rye, the Goldsmiths' librarian of the university of London, has rendered a real service to readers in the third edition of his *Students' Guide to the Libraries of London* (London : University of London Press, 1927). The most useful parts of the volume are the two chapters on 'General' and 'Special' libraries arranged in alphabetical order ; but the descriptive chapters on the British Museum and the Public Record Office are interesting and the excellent photographs of buildings and exhibits most attractive. O.

The latest instalment of the *Inventaire des Archives de la Belgique* (Bruges : Imprimerie Graphica, 1927¹) deals with the archives of the 'conseil du gouvernement général' and has been prepared by MM. Plac and Joseph Lefèvre. This council was created by Joseph II during his reforms of 1787 and supervised all administrative business except that of the 'chambre des comptes', which, with it and the 'conseil souverain de justice', made up the whole of the central government. Its duties were therefore very miscellaneous, and in its short existence of three years its structure underwent certain changes. All these points are clearly explained in a brief introduction, and the list itself represents, so far as we can judge, a very laborious and very successful effort to arrange a confused mass of papers. There is a full index. G. N. C.

¹ *Ante*, xxix. 200.

² This is the date on the outside wrapper ; the title-page has the date 1925.

CORRIGENDA FOR THE JULY NUMBER

P. 355, line 24. For 'niece' read 'daughter'.

P. 378, line 16. For 'Wallington' read 'Watlington'.

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